



REPORT ON IN AMENAS

INQUEST COVER-UP AND WESTERN
INVOLVEMENT IN ALGERIAN STATE
CRIMES

JEREMY KEENAN

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The International State Crime Initiative (ISCI) is a cross-disciplinary research centre. Our staff team incorporates backgrounds in law, criminology, and the social sciences. We aim to introduce new perspectives to the field of human rights research, which has traditionally been focussed on legal theory and mechanisms, but today exists as an intersection of academic fields.



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0.0. Acknowledgements

A coroner, who requested anonymity, said to me: “My job is to give a voice to those who have died and to ensure their interests are protected.”

An inquest is the arena in which that ideal can be achieved.

The In Amenas inquest went some way in that direction.

This Report was not written at anyone’s request or suggestion. No funding was applied for, nor has any been received. This Report was written to reveal wider ‘truths’, which, for various reasons, did not come to light during the inquest. The social anthropologist has a responsibility to bear witness; the academic has a responsibility to publish.

It has been written with sincere respect for the seven people for whom the inquest was held, as well the other expatriates and Algerians (mostly security personnel) who lost their lives at In Amenas in January 2013. It is also written with respect for their surviving families, friends and colleagues, many of whom have been in contact with me. I would like to thank them for their insights and their concerns, which they expressed to me, about what happened at In Amenas. Their confidentiality has been respected.

I would like to express my thanks and gratitude to the International State Crime Initiative (ISCI) at Queen Mary University of London (QMUL), and its Director, Professor Penny Green, for publishing the Report, as well as her colleagues at ISCI, namely Fatima Kanji and Thomas MacManus. Without their encouragement, the Report might well have foundered along the way. I would

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I would like to express my appreciation to the courtesy extended to me throughout the long duration of the inquest court hearings by the court officials, notably those from the West Sussex Coroner's Office.

The inquest transcripts and a witness list can be accessed at:
<https://www.westsussex.gov.uk/births-marriages-and-deaths/deaths/in-amenas-inquest-hearing-transcripts/>.

Illustrations and photographs. Most of the photographs were taken by the author (unless otherwise stated). Acknowledgment and thanks are also given to Menas Associates, Al Jazeera, various Algerian media services, the press office of the French defence ministry, other French media services, Statoil and Judge Nicholas Hilliard for their for their help in providing photographs. Some photographs were found online where they are widely distributed and available and no source could be identified.

0.1. Executive Summary

In the morning of 16 January 2013, some 32 terrorists attacked the Tiguentourine gas plant in Algeria's Sahara Desert. Tiguentourine is located in the Algerian province of Illizi, approximately 50 kms SW of the town of In Amenas (c.8,000) and 78 kms from the Libya border.



Libyan side of the border, adjacent to In Amenas

Author's own

Tiguentourine started production in 2006 and, at the time of the attack, was producing approximately 12% of Algeria's natural gas output. The plant is operated by Algeria's national oil company, Sonatrach (51%), BP (24.5%) and Statoil (24.5%) in a production-sharing contract known as the 'In Amenas Gas Project Joint Venture,' or JV.

At the time of the attack, there were over 800 employees working within the facility. Of these, 130 were non-Algerians, expatriates from almost 30 countries. The others were Algerians.

By the time the Algerian army had reclaimed the site on 19 January some 80 people had died. 39 of these were foreign nationals. They included Japan (10), Philippines (8), UK (6), Norway (5), US (3), Romania (2), Malaysia (2) France (1) and Colombia (1). 29 of the 32 terrorists were killed. 9 or 10 Algerians, including one Algerian guard, were also reportedly killed.

The bodies of six British nationals (Garry Barlow, Carson Bilsland, Stephen Green, Sebastian John, Paul Morgan, Kenneth Whiteside) and one British

resident (Carlos Estrada Valencia) were repatriated to Gatwick airport and came under the jurisdiction of the Senior Coroner for West Sussex.

The inquest into their deaths began in Court 73 of London's Royal Courts of Justice on 15 September 2014 and was concluded on 26 February 2015. HM Assistant Coroner for West Sussex, His Honour Judge Nicholas Hilliard QC, conducted the inquest.

The attack on In Amenas began at 05.47 on 16 January when a bus carrying some 12 staff to In Amenas town and airport, escorted by 3 or 4 gendarmes vehicles, each carrying 4 armed gendarmes, came under fire as it was passing through the external vehicle checkpoint (VCP1). Paul Morgan, the Operations Liaison (security) Supervisor, who was returning to the UK that day, was in the second lead vehicle (in front of the bus) and the first to be killed.

In a firefight that lasted at least 45 minutes, the gendarmes, reinforced by colleagues, successfully defended the bus, none of whose occupants were killed or taken hostage.

Shooting in the vicinity of the bus ended around 07.00, at about the same time as the military arrived on the scene and began to surround the complex. Having failed to capture the bus and take hostages, the terrorists moved into the facility, entering both the Base de Vie (BdV) and the Central (gas) Processing Facility (CPF) complexes, which were 3 kms apart, in search of foreign (i.e. non Algerian) hostages.

Many of the foreign national hostages, including Stephen Green, Kenneth Whiteside, Carson Bilsland, Sebastian John and Carlos Estrada Valencia, were

killed on the second day of the siege when the Algerian army fired on a convoy of six vehicles in which the terrorists were trying to move themselves and their hostages from the BdV to the CPF. Many of the remaining hostages killed, including Garry Barlow, died on the third day of the siege when the terrorists in the CPF detonated a bomb. The Algerian army made its final assault to clear the CPF on the morning of 19 January.

Throughout the 4-day siege, the Algerian army, under the command of Algeria's secret intelligence service, the *Département du renseignement et de la sécurité* (DRS), made no attempt to negotiate the safety and release of the hostages, as is recognised international procedure in the case of such hostage seizures. Rather, it launched an assault on the terrorists, killing most of them, along with most of their hostages.

During the 20 months between the end of the siege and the opening of the London inquest, there was absolutely no cooperation from the Algerian authorities. The Algerians said this was because they were preparing to hold their own judicial inquiry. Three and a half years later, there has been no enquiry. Nor is there likely to be. The reason for this is because the Algerian authorities, in the form of the DRS, were almost certainly complicit in the In Amenas attack. Evidence provided in this report strongly suggests that the attack was a false-flag operation organised by the DRS that went drastically wrong.

This report provides evidence to show that the US, UK and French authorities had long been aware of the DRS's infiltration of terrorist groups and its subsequent working relationship with them, especially in false flag operations designed to further US and other Western interests in the global war on terror

(GWOT). The DRS' motives for the attack on In Amenas are detailed in the report.

From the outset, there was growing suspicion of Algeria's involvement in the attack and concern that evidence for this involvement was being covered up by Algeria's western allies, notably the US, UK and France, primarily because of their close working relationship with the DRS in the GWOT.

The In Amenas attack was said to have been organised by Mokhtar ben Mokhtar (MBM) (a.k.a. Belmokhtar, Khaled Abou al-Abbas, Belaouer or Laouar) and led on the ground by Mohamed Lamine Bouchneb (a.k.a. Tahar), named in the inquest findings as Ben Cheneb Mohamed Lamine.

This report reveals how London's Metropolitan Police, which was given responsibility for collecting evidence for the London inquest, working with the intelligence services and the advisers to the inquest, excluded key evidence from the inquest that would have thrown light on the relationship between the Algerian authorities and the terrorists involved in the In Amenas attack.

A further reason for excluding evidence about the DRS' relationship with these terrorists is that it would have revealed the existence of other far more serious criminal 'counter-terrorist' operations conducted by the DRS in which Algeria's Western allies are believed to have been complicit.

Since the London inquest, more corroborative evidence of the complicity between the DRS and the terrorists has come to light.

For example, the report details the circumstances under which the three terrorists who escaped In Amenas but were captured by the Algerian army confessed to having been armed by General 'Hassan' (Abdelkader Aït Ouarabi), one of the DRS' top Generals and head of the DRS' Special Integration Forces. The report also details Hassan's arrest, secret trial and imprisonment, along with other evidence of Hassan's involvement with Al Qaeda in the Islamic Maghreb (AQIM) and other regional terrorist groups; the subsequent dismissal of the overall head of the DRS and the sudden journey of James Clapper, the US' Director of National Intelligence (DNI), to Algiers on the day of Hassan's arrest. Sources in Algeria believe Clapper's visit was an attempt to prevent any further seepage of information about how, for more than 12 years, the DRS and US intelligence services have collaborated in 'false-flag' terrorist operations designed to legitimise Washington's GWOT.

The report also details how Secretary of State Hillary Clinton received high-level intelligence information during the course of the In Amenas siege, notifying her that there was a working agreement between the Algerian authorities and MBM.

Secretary Clinton immediately forwarded this information from her private email system to the US State Department, thus raising the question of whether this critical information was forward by either Ms Clinton and/or the US State Department to their UK counterparts and, if it was, why it was not made available to the London inquest.

The report also raises serious questions about the nature of evidence that Her Majesty's Government (HMG) withheld from the inquest through a successful application for a Public Interest Immunity (PII) Certificate.

The report suggests the PII certificate was issued for one (or more) of three reasons:

- i. to protect the British Foreign and Commonwealth Office (FCO) and/or the intelligence services from their failure to identify possible warning signals from Algeria of an imminent terrorist attack on In Amenas;
- ii. to avoid having to notify the inquest court of the confessions of the three captured terrorists that they had been armed by the DRS; and/or
- iii. to avoid having to notify the inquest of the intelligence information sent to Secretary of State Clinton and the US State department that there was a working agreement between the Algerian government and MBM, the terrorist accused of masterminding the In Amenas attack.

None of these reasons having anything to do with Britain's national security and thus raise serious questions about how and why the government uses PII certificates.

0.2. Background

0.2.i) Timeline

1992

January – Algeria’s democratic elections annulled in effective military coup d’état.

1996

March – Seven French monks from Tibhirine monastery (Médéa) assassinated.

1998

UK government ministers sign PII certificate to protect Algeria’s regime.

1999

Abdelaziz Bouteflika becomes President of Algeria.

2001

September 11 – terrorist attack on World Trade Centre (NY).

2002

July 31 – US Senate gets clearance to work with DRS. P2OG created soon after.

2003

February-March – 32 European tourists taken hostage in Algerian Sahara.

2007

November 8 – attack on Djanet airport.

2009

May 31 – murder of Edwin Dyer by Abdelhamid abou Zaïd.

2010

January 10 – arrest of top Sonatrach officials mark start of Sonatrach ‘scandals’.

February – Bouteflika responds with launch of independent security commission.

March – first meeting of UK-Algeria joint committee on counter-terrorism.

July 22 – French launch two disastrous military raids into northern Mali.

September 16 – 7 employees taken hostage from Areva’s Niger uranium mine.

2011

February – start of Libyan rebellion; three Areva hostages freed.

October 20 – death of Libyan leader Mouamar Qadhafi.

December 10 – first public notification of creation of MUJAO.

December 15 – public notification of creation of Ansar al Din.

2012

January – start of Tuareg rebellion and Islamist insurgency in northern Mali.

July – change in internal security arrangements at Tiguentourine plant.

July 10 – John Schindler’s publication of *The Ugly truth about Algeria*.

November 12 – Article in El Khabar possibly warning of terrorist attack.

2013

January 11 – France launches military intervention in Mali.

January 16 – terrorists attack Tiguentourine plant near In Amenas, Algeria.

January 17 – Clinton reports agreement between MBM and Algerian authorities.

January 19 – siege of Tiguentourine plant ended.

September – Bouteflika and Gaïd Salah move against DRS (+ ministerial changes).

October 7 – Hugh Robertson replaced Alistair Burt as FCO minister.

October 10 – Hugh Robertson meets Rosie Cooper (MP) and deceased's families.

October 10 – ISCI publishes *The In Amenas 'cover-up'*.

October 29 – release of remaining four Areva hostages (seized 16.09.10).

November 7 – Robertson sends FCO's responses to Rosie Cooper and families.

December 30 – opening of judicial enquiry in Paris.

2014

January 9 – Publication of Murielle Ravey's book (Fr.) *In Amenas: story of a trap*.

January 10 – Publication of El Watan's 'alternative' narrative.

January 13 – 'retirement' of General Hassan (Abdelkader Aït Ouarabi).

January 28 – preliminary inquest hearing, headed by Penelope Schofield.

February 8 – first arrest of General Hassan.

March 31 – meeting between Report's author and Metropolitan police.

April – Judge Nicholas Hilliard appointed as assistant coroner.

May 20 – pre-inquest hearing.

July 8 – pre-inquest hearing.

September 2 – pre-inquest hearing.

September 5 – Schofield replaced as coroner by Judge Hilliard.

September 15 – opening of London inquest.

December 15 - Secretary of State for FCO signs PII certificate.

2015

January 4 – Judge Hilliard upholds HMG's application for a PII certificate.

February 26 – end of London inquest.

July 16-17 – shootings in Zeralda.

July 17 – ‘events’ in Ain Defla.

July 23-25 – dismissal of three security (DRS) Generals.

August 27 – second arrest of General Hassan.

August 27 – US Director of National Intelligence James Clapper flies to Algiers.

September 13 – dismissal of DRS chief, General Mohamed ‘Toufik’ Mediène.

November 26 – trial and sentence of General Hassan.

November 30 – trial and sentence of General Medjdoub.

December 5 – Japan’s *Nikkan-Gendai* releases In Amenas audiotapes.

2016

March 16 – publication (Wikileaks) of Hillary Clinton’s private emails.

March 17 – Chakib Khelil returns to Algeria.

0.2.ii) Who's Who

Abou Zaïd, Abdelhamid - DRS agent and leader of AQIM (Al Qaeda in the Islamic Maghreb) in the Sahara.

Abu al-Walid Sahraoui - a MUJAO spokesman.

Afman, Abdul - one of the In Amenas 'terrorists'.

Akotey, Mohamed - board chairman of Imouraren SA (subsidiary of Areva).

Al Islam, Saïf - son of Mouamar Qadhafi (former Libyan leader).

Al Tlemci (Tilemsi), Ahmed - member of MUJAO.

Allen, Sir Mark - special adviser to Chairman of BP and former head of MI6's counter-terrorism.

Arafat, Ali (aka Bashir, Ali Ahmed) - alibis and pseudonyms for Witness 'A'.

Assange, Julian - editor-in-chief of WikiLeaks.

Ayat, Lakehal, General - *Direction Centrale de la Sécurité de l'Armée* (DCSA).

Barlow, Garry; Bilsland, Carson; Green, Stephen; John, Sebastian; Morgan, Paul; Whiteside, Kenneth; Valencia, Carlos Estrada - British nationals and resident whose deaths at In Amenas were the subject of the London inquest.

Barr, David, QC - acting for HMG at the London inquest

Beau, Nicolas - French journalist.

Belani, Amar - spokesman for Algeria's Foreign Minister.

Ben Ali, Zine El Abidine - former Tunisian president.

Bendaoud, Ali, general - former head of the DRS' Internal Security Directorate (DSI) and counter-espionage service.

Benguedda, Ali, Colonel - assistant to the late General Smaïn Lamari.

Benhadid, Hocine - former army General (currently imprisoned without trial).

Berrissoul, Walid - Journalist for *Europe 1*.

Betchine, Mohamed, General - former head of the *Sécurité Militaire* (SM).

Blair, Tony - British Minister in 1998 at the time of the signing of a PII certificate regarding Algeria.

Blumenthal, Sidney - advisor to Hillary Clinton.

Bouchneb, Mohamed Lamine (aka Tahar/Taher) - terrorist who led the In Amenas attack.

Boudiaf, Mohamed - former Algerian President (head of HCE) (*assassinated*).

Bouhamrassa, Boualem (aka Hamid Yacine) - author of 12 November 2012 article in *El Khabar*.

Bouguetaya, Sadek - Algerian political apparatchik.

Boumediene, Houari - former Algerian President.

Bourayou, Khaled - lawyer for General Hassan.

Bouteflika, Abdelaziz - President of Algeria.

Bouteflika, Saïd - younger brother of Algeria's President.

Bouziane, Kerroumi (aka Redouane) - terrorist captured at In Amenas.

Bowcott, Owen - The Guardian's legal correspondent.

Brazier, Colin - an independent security expert.

Bremer, Paul - former US administrator in Iraq.

Burt, Alistair - Parliamentary Under Secretary of State at the FCO.

Bush, George Jr - President of the USA, 2001-2009.

Cameron, David – former British Prime Minister, 2010-2016 (Conservative).

Caprioli, Louis - former head of counter-terrorism at the French Directorate of Territorial Security (DST).

Cary, Nathaniel, Dr - pathologist.

Chadli, Benjedid - former Algerian President.

Chapman, Robert, Dr - pathologist.

Charnock, Geoff - Coroners Officer.

Chouhan, A. - MAOL officer.

Clapper, James - Director of National Intelligence (USA).

Clinton, Hillary - USA secretary of State at the time of the In Amenas attack.

Cook, Robin - British Foreign Secretary in 1998 who signed a PII certificate regarding Algeria.

Cooper, Rosie - MP for West Lancashire.

Dearlove, Richard, Sir - former head of MI6.

Derouiche, Abdelkader (aka Abou Al Barra) - terrorist captured at In Amenas.

Desjeux, Yann - French hostage killed at In Amenas.

Djebbar, M'henna, General - head of the DRS' *Direction Centrale de la Sécurité de l'Armée* (DCSA).

Djouadi, Yahia (aka Djamel Okacha, Abu Yahia Al Hammam) - AQIM's new leader in the Sahara and a suspected DRS accomplice.

Dolan, Bridget - Counsel to the Inquest.

Dyer, Edwin - British citizen murdered by Abdelhamid abou Zaïd on 31 May 2009.

Ederbali, Laaroussi - terrorist captured at In Amenas.

El Nigiri, Abderrahmane - One of the terrorist leaders in the In Amenas attack.

Essebsi, Beji Caid - President of Tunisia.

Fabius, Laurent - French Foreign Minister.

Fisk, Robert - journalist (*The Independent*).

Fodil, Saidi, General - (assassinated).

Al-Furathi, Abdullah - AQIM leader in charge of Tamouret training camp.

Garnham, Neil - QC, barrister for some of the interested parties at the London inquest.

Gaviria, Claudia - widow of Carlos Estrada Valencia.

Gèze, François - French publisher.

Ghadir, Mohamed - brother of Abdelhamid abou Zaïd.

Guendouz, General Mohamed-Laïd - defence ministry lawyer (dismissed).

Ham, Carter, General - Commander of USA AFRICOM.

Hama ag Hamada (aka Taleb Abdelkrim, Abdelkrim le Tuareg) - nephew of Iyad ag Ghali.

Hammond, Philip - UK Foreign Secretary at time of inquest.

Haroune, H. - MAOL officer.

Hassan (Abdelkader Aït Ouarabi), General - DRS General, former head of Special Intervention Forces.

Hilliard, Nicholas QC, Judge - Assistant Coroner who conducted the inquest.

Hollande, François - President of France.

Hoon, Geoffrey - British Defence Secretary in 1998 who signed a PII certificate regarding Algeria.

Hoteham, Eric - registered owner of Clinton domain names.

Iyad ag Ghali - Malian Tuareg rebel leader, DRS accomplice and leader of Ansar al-Din.

Juppé, Alain - French minister (has held various portfolios).

Khelil, Chakib - firmer Algerian energy minister.

Korah, Lawel Sekou - General and head of Niger's intelligence agency.

Lacher, Wolfram - expert witness at inquest for HMG.

Lallali, Rachid (a.k.a. Attafi) - DRS General, former head of External Security Directorate.

Lamamra, Ramtane - Algeria's foreign minister.

Lamari, Smaïn - General (d. 2007). Former second-in-command of the DRS.

Louh, Tayeb - Algeria's Minister of Justice.

Malti, Hocine - former vice-president (1972-75) of Sonatrach.

Manning (née Bradley), Chelsea - USA whistleblower.

McDaniel, Brad - an American rigger and witness to the In Amenas attack.

Medelci, Mourad - Algerian foreign minister.

Mediène, Mohamed (aka Toufik), General - head of the DRS from 1990 to his dismissal/retirement in 2015.

Medjdoub, General Djamel Kehal - former head of President's security.

Meliani, Ahmed Moulay, General - former head of the Republican Guard.

Meziane, Mohamed - former CEO of Sonatrach.

Mokhtar ben Mokhtar (MBM) (aka Belmokhtar, Khaled Abou al-Abbas, Belaouer or Laouar) - terrorist who allegedly masterminded the In Amenas attack.

Mounir B (Boudjemaa) - Algerian journalist (*Liberté*).

Mubarak, Hosni - former president of Egypt.

Nezzar, Khaled - former Algerian defence minister

Ould Badi, Sultan - A leader of MUJAO in Mali-Mauritania, drug trafficker and suspected DRS accomplice.

Ould Mohamed El-Kheiri, Hamada (aka Abu Qumqum) - member of MUJAO.

Qadhafi, Mouamar, Col. - deposed Libyan leader (d. 2011).

Ravey, Murielle - French medical nurse at Tiguentourine, survivor and author of a book on the siege.

Richardson, Guy - Treasury Solicitor's Department.

Robertson, Hugh - replaced Alistair Burt as Minister of State at the FCO on 10 October 2014.

Roper, Martyn, Sir - British Ambassador to Algeria.

Rumsfeld, Donald - USA Secretary for Defense 1975-1977; 2001-2006.

Russo, Robert - USA State Department special assistant to Hillary Clinton.

Saifi, Amari (aka El Para, Abderrazak Lamari) - DRS agent who infiltrated the Groupe Salafiste pour la Prédication et le Combat (GSPC), later to be renamed as AQIM, and led the false-flag terrorist operation that took 32 European tourists hostage in the Algerian Sahara in 2003.

Salah, Ahmed Gaïd, General - Chief of Staff of the Algerian Army and deputy defence minister.

Sawers, John, Sir - head of MI6 (2009 to late 2014).

Scarlett, John, Sir - former head of MI6.

Schindler, John - a former senior US intelligence officer, 10-year member of the US National Security Council and, at the time of the In Amenas attack, head of Security Studies at the US Naval War College at Newport, Rhode Island.

Schofield, Penelope - West Sussex senior coroner.

Sellal, Abdelmalek - Algerian prime minister.

Shedad - Canadian terrorist killed at In Amenas.

Sheikh Hamad bin Khalifa al-Thani - Emir of Qatar.

Sias, Boualem - Algerian consul in Gao (Mali), kidnapped in 2012.

Singh, Nav - colleague of William Wixey.

Snowden, Edward - USA whistleblower.

Souaïdia, Habib - Former Algerian army officer, who became a 'whistle-blower' and author of *La sale guerre. Le témoignage d'un ancien officier des forces spéciales de l'armée algérienne, 1992-2000* (La Découverte, 2001).

Spencer, Claire - expert witness at inquest for HMG.

Stokely, Jim - Detective Superintendent in the Metropolitan Police.

Straw, Jack - British Home Secretary in 1998 who signed a PII certificate regarding Algeria.

Tartag, Athmane (aka Bashir) - General. Head of the DRS' Internal Security and Counter-Terrorism Directorate at the time of the In Amenas attack and General Mohamed Mediène's second-in-command. Currently head of the intelligence service that replaced the DRS in 2015.

Tenet, George - former Director of the CIA.

Thornton, Peter - Chief Coroner.

Tlemçani, Salima - Algerian journalist (writing for *El Watan*).

Tobin, Patrick - regional counter-terrorism security advisor on North-West Africa, attached to FCO.

Underwood, Ashley – QC, acting as advisor for Judge Hilliard and the Inquest.

Wixey, William - Detective Constable, SO15 Counter Terrorism Command

Zeroual, Liamine - former Algerian President.

Zerrouk, Colonel Ahmed - defence ministry lawyer (*dismissed*).

Zitouni, Djamel - a DRS agent who infiltrated and became leader of the Armed Islamic groups (GIA) in 1994.

0.2.iii) Acronyms

AQIM – Al Qaeda in the Islamic Maghreb

BAAT – Bureau d'Assistance Administrative & Technique

BAAT SARL – the name of the Ouargla-Hassi Messaoud-based transport service company

BBC – British Broadcasting Company

BdV – Base de Vie

BP – Petroleum Industry Company (formerly known as British Petroleum)

CPF – Central (gas) Processing Facility

CSR – Corporate Social Responsibility

DCRI – Central Directorate of Internal Intelligence (French)

DCSA – Direction Centrale de la Sécurité de l'Armée

DDSE – Direction de la Documentation et de la Sécurité Extérieure (DRS' external security directorate)

DGSE – Direction Générale de la Sécurité Extérieure, the French external intelligence service

DNI – Director of National Intelligence (James Clapper, USA)

DRS – Département du Renseignement et de la Sécurité

DSCA – Direction Centrale de la Sécurité de l'Armée

DST – Directorate of Territorial Security (French)

FCO – Foreign and Commonwealth Office

FLN – National Liberation Front (socialist political party in Algeria)

FF – Judge Hilliard's Factual Findings

GWOT – Global War on Terror

GIA – Groupes Islamiques Armées, which was succeeded in 1998 by the Algerian terrorist organisation "Groupe Salafiste pour le Prédication et le Combat" (GSPC)

GIS – Groupement d'Intervention Spéciale

GSPC – Groupe Salafist pour le Prédication et le Combat, forerunner of AQIM.

HCE – High Council of State

HMG – Her Majesty's Government

HMPS – Her Majesty's Prison Service

IOC – International Oil Company

ISCI – International State Crime Initiative

JV – the In Amenas Gas Project Joint Venture

MAOL - Mouvement Algérien des Officiers Libres

MALG, SM – Algeria's intelligence service: Ministère de l'Armement et des Liaisons Générales, renamed Sécurité Militaire after Algerian independence, which later split into the Délégation générale de la prévention et la sécurité (DGPS) and the Direction Centrale de la Sécurité de l'Armée (DCSA)

MBM – Mohktar ben Mohktar

MSF – Médecins sans Frontières

MUJAO – Mouvement pour l'Unité et le Jihad en Afrique de l'Ouest

NARA – National Archives and Records Administration

NTC – National Transitional Council

P2OG – Proactive Preemptive Operation Group

P2OG – Proactive Pre-emptive Operations Group (US)

PII – Public-Interest Immunity

PSI – Pan-Sahel Initiative

QC – Queens' Counsel

RFI – Radio France Internationale

SARL – Société à responsabilité limitée (a limited liability company)

SCORAT – Service de coordination opérationnelle et de renseignement antiterroriste

SOAS – School of Oriental and African Studies

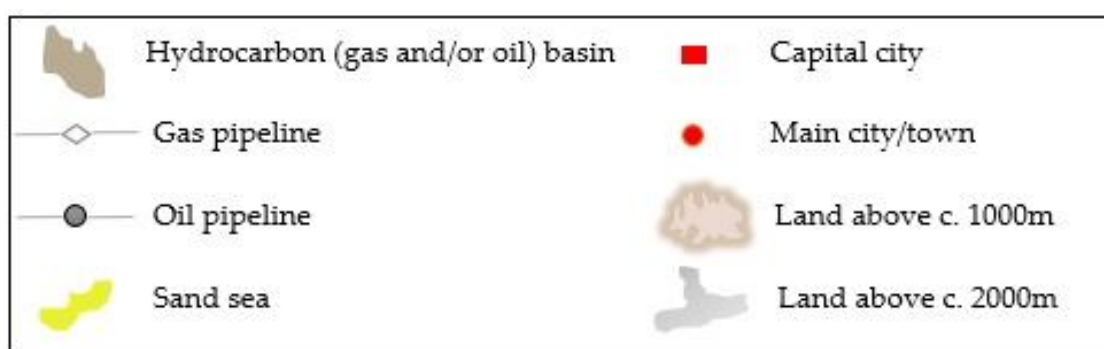
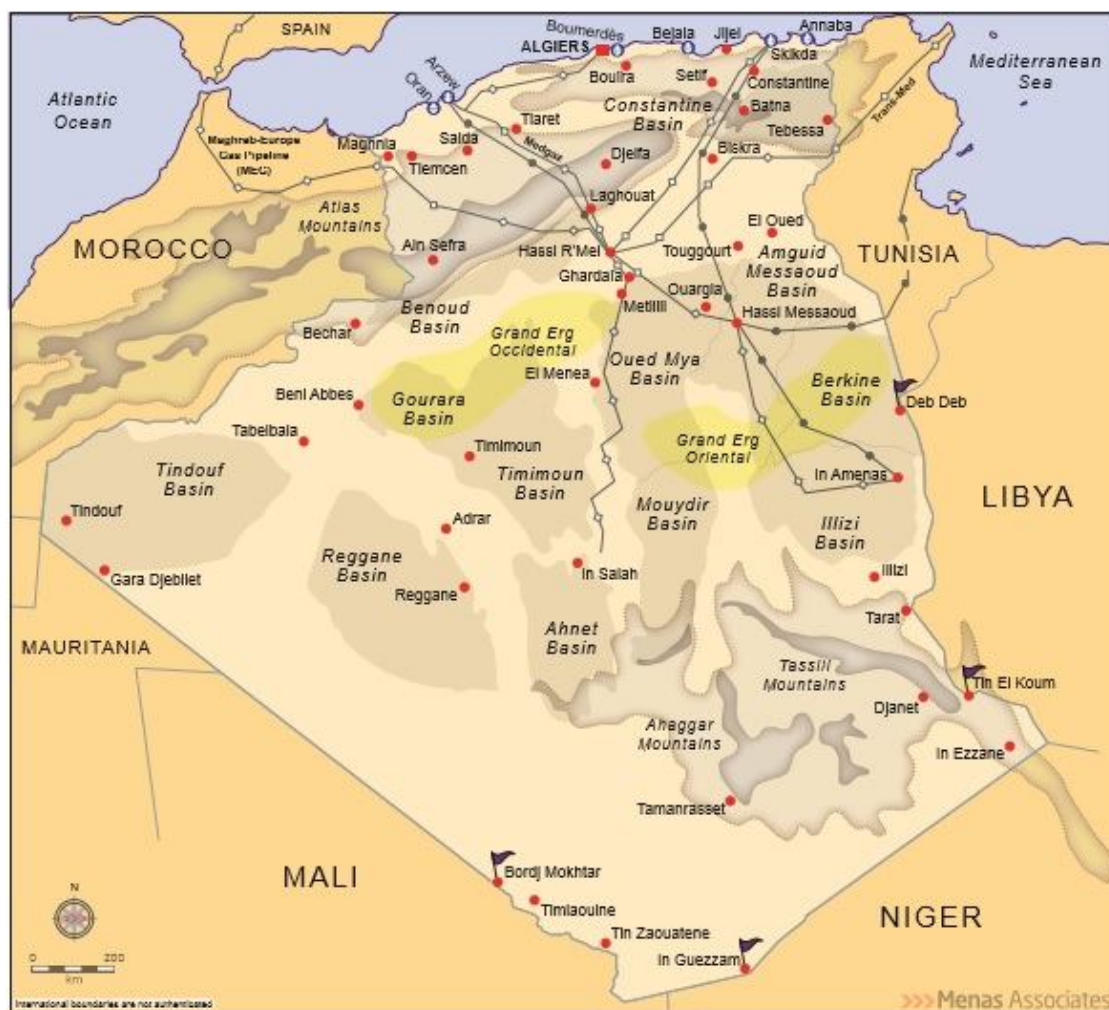
SM – Sécurité Militaire

SSI – Service Sécurité Interne, an Algerian security company

UN – United Nations

VCP – Vehicle Checkpoint

0.2.iv) Map – Algeria's oilfields



The best satellite image of the In Amenas Site location is found in the Statoil Report (2013). The full title of the report is: 'The In Amenas Attack. Report of the investigation into the terrorist attack on In Amenas. Prepared for Statoil ASDA's board of directors.' This can be accessed at: <http://www.statoil.com/en/NewsAndMedia/News/2013/Downloads/In%20Amenas%20report.pdf>.

To view the aforementioned satellite image, scroll down to page 15, Fig. 3.1 'In Amenas – Site Overview'. More detailed images of the Production and Living areas can be found on pages 16 and 17 in Figs 3.2 and 3.3 respectively.

The photo on the front page of This Report is of In Amenas town, not the Tiguentourine gas facility.

0.3. Introductory note

This Report is the sixth major piece that I have written on the terrorist¹ attack on the Tiguentourine natural gas plant near In Amenas in the Algerian Sahara in January 2013, which resulted in some 80 people, including 29 terrorists, 39 foreign nationals from nine different countries (UK, Norway, US, France, Japan, Romania, Philippines, Malaysia and Colombia), and at least ten Algerians being killed.

The previous five articles (with their date of publication), were all published on the ISCI (International State Crime Initiative) website: www.statecrime.org. They can be accessed at:

Article 1. (14 February 2013) *A New Phase in the War on Terror?: A Report by Jeremy Keenan*. Accessed at: http://statecrime.org/online_article/a-new-phase-in-the-war-on-terror-a-report-on-events-in-algeria-and-mali/

Article 2. (15 May 2013) *In Amenas: the need for an international enquiry*. Accessed as: http://statecrime.org/online_article/in-amenas-the-need-for-an-international-enquiry/

Article 3. (10 October 2013) *The In Amenas “cover up”*. Accessed at: http://statecrime.org/online_article/the-in-amenas-cover-up/

¹ The term “terrorist” is used here rather than militant or extremist, as that is how the attackers of the In Amenas plant have been referred to throughout the Inquest and by all the interested parties at the Inquest, as well as the Algerian government and press and other national authorities involved in the case.

Article 4. (30 November 2014) *Q. When is an “expert” not an expert? A. At the In Amenas inquest.* Accessed at: <http://statecrime.org/state-crime-research/q-when-is-an-expert-not-an-expert-a-at-the-in-amenas-inquest/>

Article 5. (21 April 2016) *Thank you Hillary! Secretary Clinton’s ‘emailgate’ revelations about Algerian state crimes.* Accessed at: <http://statecrime.org/state-crime-research/thank-you-hillary-secretary-clintons-emailgate-revelations-about-algerian-state-crimes/>

The first three articles were written in chronological order, a few months apart during 2013, as more evidence came to light. The fourth article was written during the inquest into the seven British deaths at In Amenas, which opened in London in September 2014. It examines the nature of ‘expert evidence’ being given at the inquest.

The fifth article was written as soon as Hillary Clinton’s private emails were made public in March-April 2016. They confirm US knowledge of the relationship between Mokhtar ben Mokhtar and the Algerian authorities.

This Report, effectively now the sixth article in the series, was originally intended for publication just before the start of the inquest, in order to document additional evidence that had come to light during the nearly 12 months between the publication of Article 3 in October 2013 and the start of the inquest in September 2014. It was also intended to document how my own efforts during the course of 2014 to give evidence to the inquest had been thwarted. However, because of the way my prospective evidence was to be handled during the inquest, as explained in this report, it was deemed wiser to delay publication until after the inquest was concluded on 26 February 2015,

more than 25 months after the terrorist attack. While this reason was partly in consideration of due legal process, it was also so that I could include within this article both a summary account of the 30 days of court evidence, which I attended throughout each of those days, and an analysis of the verdict. Then, for reasons explained below, publication was delayed a further 21 months – to November 2016.

0.3.i. Allegation of a “cover up”

In Article 3, entitled *The In Amenas “cover up”*, published on 10 October 2013, I argued that there would never be a full, open inquiry into what happened at In Amenas, despite the fact that it was the

**In Amenas was the
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since the London
bombings of July 2005.**

largest single terrorist killing of ‘Westerners’ since the London bombings of July 2005. Indeed, I alleged in that article that what happened at In Amenas was being swept under the carpet and that Algeria and its Western allies, notably the US, UK and France, were engaged in a cover-up of what actually happened. Now that the inquest is over and more corroborative evidence has come to light, I am even more convinced that is the case.

The Tiguentourine gas plant is located near the town of In Amenas in the Algeria desert, 380 kms (237 miles) as the crow flies SE of Algeria’s oil capital of Hassi Messaoud and 78 kms (49 miles) west of the Libyan border. It falls within Algeria’s fourth military region of Ouargla. The plant is a joint venture (JV) between three companies: Algeria’s national oil company, Sonatrach, BP and Statoil. Prior to the attack of 16 January 2013, the plant produced approximately 12% of Algeria’s natural gas and had a complement of

approximately 800 employees: 130 foreign nationals and the remainder Algerians.

Since the attack, BP has not undertaken any form of inquiry. The company remained silent on the incident while awaiting the outcome of the inquest into the deaths of the seven British victims.² Statoil undertook an internal enquiry³ into the incident, but specifically avoided raising the question of ‘why’ the incident occurred and ‘who’ was behind it.

The Algerian authorities have been wholly uncooperative in the matter. Even though Algeria is a key ally of the West (US and UK) in the ‘war on terror’ and has ostensibly taken the lead at the UN and other global fora in advocating a raft of counter-terrorism policies and measures, it has refused to make available any information to the British authorities, including the assistant coroner⁴, Judge Nicholas Hilliard QC, which might have been of assistance in understanding what happened at In Amenas. As was stated at the inquest hearing, the British authorities do not even know who was in command of the Algerian military operation during the four-day siege of the Tiguentourine plant, or anything at all about the Algerian army’s decision-making and military strategy in handling the operation.

² As the remains of British victims were returned to the UK via Gatwick Airport, the inquest into their deaths fell under the jurisdiction of the West Sussex Senior Coroner Ms Penelope Schofield. The victims were Mr Garry Barlow, Mr Carson Bilsland, Mr Stephen Green, Mr Sebastian John, Mr Paul Morgan, Mr Carlos Estrada Valencia (a Colombian national resident in the UK) and Mr Kenneth Whiteside.

³ The Statoil report can be accessed at:

http://www.statoil.com/en/NewsAndMedia/News/2013/Downloads/In_Amenas_report.pdf

⁴ Although technically the “assistant coroner”, Judge Hilliard was appointed to that position a few months before the inquest because of his seniority and security clearance, and in order to replace the West Sussex senior coroner Ms Penelope Schofield. Reasons for this move are explained in the text.

One reason for this, as explained later in this report, is that there is evidence to believe that they were both complicit in and largely responsible for the attack, and that this is known to Western intelligence agencies.

0.3.ii. Corruption of Algeria's judicial system

The reason given by the Algerian government for refusing to make any information available to the British authorities is that the Algerian government claims to be undertaking its own judicial investigation into the terrorist attack and claims that the release of any of information, even under the conditions of secrecy, might prejudice its own judicial hearing. However, judicial investigations, at least those that bear any semblance to the western notion of a judicial investigation, simply do not exist in Algeria.

In theory, or at least on paper, Algeria's system of justice "is founded on the principles of legality and equality." It is "equal for all, accessible to all and is expressed by the rule of law." As stated in Algeria's constitution, Algeria "has an independent judiciary" that exercises its power within the framework of the law, "guaranteeing the protection of the rights of everyone."⁵

However, Algeria does not have an independent judiciary (in spite of Article 138 of the constitution)⁶. Indeed, it no longer has a proper functioning judicial system, as political interests have wholly corrupted it.⁷ Nor is Algerian society and its freedoms protected by the justice system, which, under the present

⁵ The Constitution of the People's Democratic Republic of Algeria. Accessed at: <http://www.interieur.gov.dz/Dynamics/firmItem.aspx?html=26&s=23>

⁶ The Algerian Constitution of 2008. Accessed at: <http://corpus.learningpartnership.org/wp-content/uploads/2012/12/Algeria-Constitution-2008-English.pdf>

⁷ US Department of State, op. cit.

regime, has become a mechanism for safeguarding the interests of the regime and assisting in the repression of civil rights and freedoms.

The result is that judges do not only obey the law (Article 147), but follow the instructions of the regime as directed by the Ministry of Justice, working in hand with either the DRS or presidency, or both. Algerian judges have been reduced to little more than ‘functionaries’ of the regime’s interests to ensure that those interests, as directed through the Ministry of Justice and/or the DRS or the presidency, are fulfilled. Algeria’s courts have become instruments of political propaganda and repression.⁸ Algeria’s claim to be holding a judicial investigation is merely a means of avoiding any type of public or international inquiry and ensuring that the incident is dispatched into the long grass.

The clearest evidence that judicial investigations simply do not happen in Algeria, especially in ‘terrorism’ cases (in which the DRS, as explained below, is invariably involved), is that the judicial investigation into the major ‘terrorism’ incident in 2003, when 32 European tourists were kidnapped and taken hostage by ‘Islamist extremists’ in the Algerian Sahara, has never come to court. The evidence would strongly suggest that this is because the incident was a ‘false-flag’⁹ operation and its leader Amari Saifi (a.k.a. El Para) was a DRS agent. During the 12 years since that incident, El Para has not yet made an appearance in court, even though he is officially in police custody.¹⁰

⁸ See, for example, US Department of State, *Country Reports on Human Rights Practices for 2015*. Accessed at: <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/-wrapper>

⁹ The contemporary term “false-flag” describes covert operations that are designed to deceive in such a way that the operations appear as though they are being carried out by entities, groups, or nations other than those who actually planned and executed them.

¹⁰ For details of the 2003 kidnappings and the El Para case, see Keenan, J., *The Dark Sahara: America’s War on Terror in Africa*, Pluto 2009 and Keenan, J., *The Dying Sahara: US Imperialism and Terror in Africa*, Pluto 2013.

0.3.iii. Leaving no stone unturned

At a preliminary inquest hearing on 28 January 2014, some three months after the publication of my Article 3, Penelope Schofield (the West Sussex coroner who at that time was responsible for the inquest) assured the families of the deceased that she was widening the scope of the inquest, at the specific request of the legal teams, to look at all of the events leading up to and including the attack. Families of the deceased, who had previously expressed their concerns about a 'cover-up',¹¹ understood this to mean that no stone would be left unturned in trying to uncover all the circumstances that led to the attack – that is, who carried out the attack and why.

As this Report will reveal, many stones were left unturned.

0.3.iv. Purpose and structure of this report

The purpose of this report is threefold:

- To chronicle and examine further developments in Algeria, the UK and France, between the time of publishing the allegation of a 'cover-up' (Article 3) in October 2013 and the opening of the inquest in London's Royal Courts of Justice on 15 September 2014, particularly in so far as they may have a bearing on the allegation of a 'cover up'.

¹¹ The reasons why some of the families of the deceased felt that there might be a cover-up was because of their experiences of the way in which the authorities were conducting the investigation, and because they had read Article 3 (October 2013) entitled 'The In Amenas "cover up"'.

- To examine the inquest process and its outcome, in the very specific context of whether the inquest fulfilled Ms Schofield's 28 January 2014 assurances to the families of the deceased that "no stone would be left unturned".
- To introduce two bodies of new evidence that emerged in August 2015 and March 2016, more than six months and fourteen months respectively after the inquest verdict, that the attack was a DRS-managed 'false-flag' operation that went wrong.

Because of the complexity of this case and the confusion that surrounds it, this report is written in six parts.

PART I summarises much of what I wrote in Article 3. The reason for repeating much of what I have already written is because since I began raising suspicions about the In Amenas attack and its alleged 'cover-up', I have frequently been asked what the motives of the Algerians were in carrying out such a 'false-flag' operation (which is what I believe it was) and why certain Western countries, notably the US, UK and France, would want to cover it up. PART I therefore details what I believe were Algeria's motives for conducting a 'false-flag' attack on In Amenas. I also include three other theories that have been put forward in the media at various times to explain Algeria's motivations for conducting the operation. I additionally detail the evidence that strongly suggests the complicity of HMG and Western powers in the alleged 'cover-up'. One of those reasons, probably the most important, relates to the existence of a supposed 'Al Qaeda'¹² training camp not far from In Amenas to which I have given the

¹² The use of the term "Al Qaeda" in this specific context is shorthand for "Al Qaeda in the [land of] the Islamic Maghreb" (AQIM), which was the name taken in 2006-7 by the Algerian

pseudonym of Tamouret. Because Tamouret was, in fact, run by Algeria's DRS (and not Al Qaeda), and because serious crimes against humanity were committed in the camp, with, I believe, the knowledge and complicity of certain western intelligence services, it has been paramount for both Algeria and its western allies that the existence of the camp remain a closely guarded secret.

PART II details, as far as possible in chronological order, the unfolding of events and new evidence that came to light during the 11-month period between the publication of Article 3 in October 2013 and the start of the inquest in September 2014.

PART III deals with:

- the inquest hearing;
- the process whereby the UK government excluded the submission of what I believe was key evidence during the hearing;
- the nature of much of the evidence submitted to the court, especially in regard to the evidence that the security situation in the Sahara had become increasingly more dangerous in the two years between the start of the Libyan rebellion in February 2011 and the In Amenas attack in January 2013;
- the inquest verdict;
- the strengths and shortcomings of that verdict.

PART IV was written between September 2015 and May 2016, more than a year after the inquest verdict. As I had originally planned to complete the report when the London inquest was over and publish it more or less straight away

terrorist organisation "Groupe Salafiste pour le Prédication et le Combat" (GSPC), which was the successor in 1998 to the Algerian "Groupes Islamiques Armées" (GIA).

around March-April 2015, I must explain why it has been delayed by an extra year.

Inquests normally provide some degree of closure. In this case, that has not been so, in that the inquest left almost as many questions unanswered as answered. While the families of the deceased will hopefully have gained some sense of closure, some observers were left with a feeling of immense dissatisfaction. This was for two reasons.

One was that the families of the deceased had not been given the opportunity to raise questions and test what little evidence there was behind the official version of what lay behind the attack on In Amenas, namely who undertook the attack and why.

The second can best be described as a mixture of intuition and hope that the infighting within the Algerian regime would sooner or later reach a point that would result in key information regarding the regime's involvement in the In Amenas attack coming - perhaps inadvertently - to light.

That moment began on 27 August 2015 and since then has been more or less ongoing. It is detailed in Part IV. In many ways, this additional section (PART IV) is the most important part of the report, as it provides the evidence that In Amenas was a 'false-flag' operation that went badly wrong and was then covered up through collusion between the Algerian regime and its Western allies, notably the United States of America, the UK and France.

PART V focuses on one specific issue: HMG's use of a Public-Interest Immunity (PII) Certificate. The evidence put forward in this Report suggests very

strongly that HMG used the PII system to cover up both its own incompetences, especially in regard to the FCO, but even more serious aspects of the In Amenas attack, which raise questions about HMG's complicity in this and possibly other state crimes. This section of the Report suggests that there is an urgent need for an enquiry, not only into why HMG used a PII certificate in this case, but also into previous usages of this system.

As the new evidence described in PART IV is likely to be ongoing, the report includes a web page which will contain any further developments and evidence that comes to light after publication: <http://statecrime.org/news/in-amenas-addendum/>

A number of key documents are included in ten Appendices.



PART I

WHY IN AMENAS IS BEING ‘COVERED UP’

PART I

Why In Amenas is being 'covered up'

I.1. Why Algeria undertook a 'false-flag' terrorist attack on In Amenas

As I have already argued (see ISCI Articles 1 & 2), the fact that the 'terrorists' who attacked the Tiguentourine plant were able to drive completely unhindered through one of the most secure military zones in Algeria, protected by border guards, (some 7,000 members of the armed forces - as claimed by the Algerians - and an extremely heavy force of gendarmes in the immediate surrounds of Tiguentourine itself), immediately raised suspicions of complicity between the attackers and the Algerian security forces, in particular the DRS. These suspicions were compounded by the fact that the Algerian authorities gave five different versions, in

almost as many days, of the geographical route taken by the attackers.

In fact, any security analyst who has in-depth knowledge of Algeria would immediately suspect 'collusion' between the security forces, notably the DRS and the attackers, simply because the majority of

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'terrorist' incidents within Algeria since 2002/3 (as in the 1990s) have appeared to involve some degree of collusion between the DRS and the 'terrorists' involved in the operation.¹³ Indeed, this is the problem that John Schindler – a senior US intelligence officer, 10-year member of the US National Security Council and, at the time of the In Amenas attack, the

head of Security Studies at the US

¹³ I have documented much of this collusion and the evidence for it in the first two books of my trilogy on terrorism in the Sahara since the start of the global war on terror in 2001, namely *The Dark Sahara* (2009) and *The Dying Sahara* (2013). The most concrete evidence is likely to be found in the third volume, *Kafka's Desert*, which is still in preparation.

Naval War College¹⁴ – tried to bring to the attention of Western governments and intelligence services in July 2012 and again in the wake of the In Amenas incident. On July 10 2012, Schindler published an article entitled “The Ugly Truth about Algeria”,¹⁵ which described how Algeria’s DRS, over a period of two decades, had created its own terrorists and used them for conducting its own ‘state terrorism’.



John Schindler

Schindler’s article blew the whistle on counter-terrorism in Algeria and the inadequacies of the US intelligence community in regard to its understanding of the Algerian regime, or *junta* as he called it, and its DRS when he pointed out that

the armed Islamic groups – the ‘terrorist’ groups – were, in fact, the creation of the DRS. Schindler explained how:

“The GIA was the creation of the DRS; using proven Soviet methods of penetration and provocation, the agency assembled it to discredit the extremists. Much of [the] GIA’s leadership consisted of DRS agents, who drove the group into the dead end of mass murder, a ruthless tactic that thoroughly discredited GIA Islamists among nearly all Algerians. Most of its major operations were the handiwork of the DRS, including the 1995 wave of bombings in France. Some of the most notorious massacres of civilians were perpetrated by military special units masquerading as mujahidin, or by GIA squads under DRS control.”

After In Amenas, Schindler spoke of “Algeria’s hidden hand”¹⁶, drawing attention to

¹⁴ Reportedly faced with the option of dismissal or resignation, Schindler resigned from the War College in July 2014 following a “sexting scandal”. It has been suggested that he may have been the victim of an intelligence operation designed to discredit him.

¹⁵ John R. Schindler, ‘The Ugly Truth about Algeria’. *The National Interest*, 10 July, 2012. Accessed at: <http://nationalinterest.org/commentary/the-ugly-truth-about-algeria-7146>

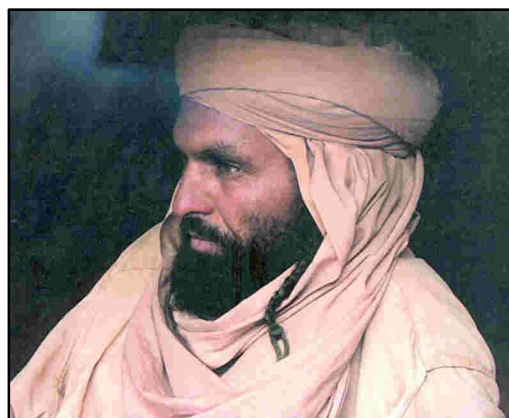
¹⁶ John R. Schindler, “Algeria’s hidden hand.” *The National Interest* 22 January 2013. <http://nationalinterest.org/commentary/algerias-hidden-hand-7994>

the parallel between Algeria's DRS and Pakistan's Inter-Services Intelligence (ISI) and the problems that the ISI's relationship with the Taliban has caused for the US and the West in general.

The 'collusion' between the DRS and 'terrorist' groups to which Schindler referred, and which is well documented in *The Dark Sahara* (2009) and *The Dying Sahara* (2013),¹⁷ has involved the creation of DRS-run 'terrorist' groups;¹⁸ the DRS infiltration of genuine terrorist groups; DRS units masquerading as terrorists and the fabrication of 'false-flag' terrorist incidents.

This report provides strong evidence in support of the claim that the In Amenas attack was intended to be a 'false-flag' hostage-taking operation that went wrong. The DRS has undertaken similar operations at least twice before. In 1996, seven French Cistercian monks from the Tibhirine monast-

ery (near Médéa) were kidnapped by the Groupes Islamiques Armées (GIA), which at the time was being led by an infiltrated DRS agent, Djamel Zitouni.¹⁹ The monks were held for two months, after which they were found dead, decapitated.²⁰



El Para

It is widely believed that the kidnap was organised by the DRS in collaboration with the GIA, but somewhere the operation 'went wrong'. In 2003, the DRS agent, El Para, took 32 European tourists hostage in the Algerian Sahara. They were held in two groups. One group was given safe passage by the Algerian authorities to Mali where

¹⁷ Jeremy Keenan, *The Dark Sahara*, Pluto (2009); *The Dying Sahara*, Pluto (2013).

¹⁸ Terrorist leaders in the Sahara over the last 12 or so years who are known to have been closely associated with, or agents of, the DRS include: Abdelhamid abou Zaïd, Yahia Djouadi, El Para (Lamari Saifi), Mokhtar ben Mokhtar (Belmokhtar), Iyad ag Ghali (and his cousin Hamada ag Hama), Sultan Ould Badi, Mohamed Lamine Bouchneb and possibly others.

¹⁹ Zitouni's DRS "handler" is believed to have been Athman Tartag – the same Tartag who reportedly ordered the assault on the "terrorists" at In Amenas.

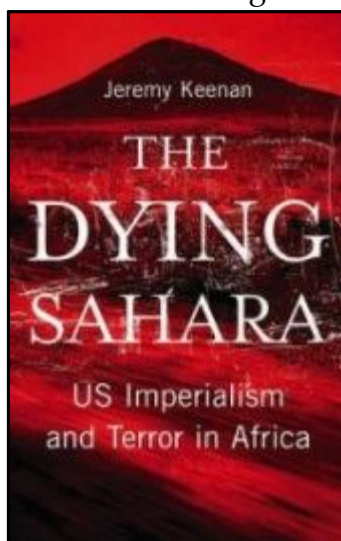
²⁰ Only their heads were discovered; their bodies have never been discovered.

the hostages were released after the payment of a ransom. The other group was released through a pre-arranged attack by the Algerian army.²¹ Sources close to French military intelligence have drawn parallels between these three operations.

I.1.i. Motives for the 'false-flag' operation

In the case of the In Amenas terrorist attack, at least four motives have been put forward for what, I believe, was a 'false-flag' hostage-taking operation, which, like Tibhirine, 'went wrong'.

The most likely motive, which is documented in some detail in *The Dying Sahara* (2013) before the In Amenas attack actually took place, related to an incremental falling out between Algeria, or rather its DRS, and the Western powers of the US and UK and to a lesser extent France.



The Dying Sahara

In the year or two before the Libyan Revolt of 2011,²² relations between Algeria and its Western allies became increasingly tense. The reason for that is a long and complex story that began in 2003 when Algeria, as the US's new ally in the GWOT, undertook the above-mentioned kidnapping of 32 European tourists, in order to legitimise Washington's launch of a

new African or 'trans-Sahara' front in the GWOT (Keenan 2009; 2013).

While the 2003 and subsequent 'false-flag' operations enhanced the Al Qaeda brand in the region (through its regional franchise of AQIM) and thus helped the US legitimise its GWOT, it

placed the US and its allies, notably the UK, on the increasingly slippery slope of countenancing Algerian state terrorism. By around 2010, the US and UK, who by then had both developed close 'counter-terrorism' alliances with the DRS, were

²¹ The operation took place at Gharis (S. Algeria) on May 13, 2003. For details, see Keenan, J., *The Dark Sahara*, Pluto 2009, pp. 59f.

²² An uprising by the Libyan people against Colonel Qadhafi began in February 2011. The revolutionaries, supported by the NATO powers of France, UK and the US, finally captured and killed Qadhafi in October 2011.

becoming increasingly anxious at the extent to which the DRS had so thoroughly infiltrated AQIM that many local people in the region actually spoke of AQIM and the DRS as one and the same organisation. The West was also becoming increasingly anxious about the nature and scale of its new ally's involvement in an array of criminal activities, notably drug trafficking and hostage-taking, that were leading some analysts to talk of Algeria as a 'mafia state'.²³



AQIM members
Magharebia, CC 2.0

The problem of allowing such a dangerous relationship to develop and continue was not simply that it raised the question of US and UK complicity in terrorism, but that both countries had become so dependent on Algeria's DRS for

their regional intelligence that they were unable to distinguish between disinformation and 'truth' in order to discern what was really going on in the region. For Western intelligence services, truth and fiction became conflated in a sea of disinformation, with the result that by around 2010, and probably much earlier, 'the tail', to use a colloquialism, 'was wagging the dog.'

By mid-2011, the relationship between Algeria and the West - notably the US and UK, but also France - became particularly fraught, as the NATO allies came to learn that Algeria, was covertly supplying the Qadhafi regime with substantial military and logistical support.

Then, in the following year (2012), these same countries could do little more than read reports of how the DRS, their partner in counter-terrorism, was supporting the Islamist incursion in Mali.

Following Algeria's support for Qadhafi, Algeria's backing of the Islamist insurgency in Mali throughout 2012 was in some senses 'the final straw' for its former allies.

²³For example, the authors of London-based Menas Associates political risk consultancy reports now refer to Algeria as a 'mafia state'. See: <https://www.menas.co.uk/>

By the latter part of 2012, the DRS knew that its relationship with these Western powers was coming under review. It therefore sent a warning to the West, in the form of an article published in the Algerian daily newspaper *El Khabar* on 12 November 2012, just over two months before the In Amenas attack. I shall return to the details of this article presently, as it played an important part in the deliberations of the London Inquest.

It is likely that the article, written by a 'journalist' who was known to have close links to the DRS, was planted to warn and remind the West that Algeria was the only country in the region that could really counter terrorism. This is evidenced by the main story of the article which described how the Algerian security forces had captured a terrorist network, led by none other than Mohamed Lamine Bouchneb (the leader of the 16 January 2013 attack on In Amenas) that was threatening oil/gas installations in the Hassi Messaoud region. In short, the DRS sought to remind the West that it was the West's appointed gendarme in the region and that it should not abandon it lightly.



Mohamed Lamine Bouchneb

Following this line of analysis, the article was a warning that the West either ignored, or, because of its own inadequate intelligence, simply failed to see and understand. The result was that Bouchneb, a DRS agent (see below), was ordered to take foreign nationals hostage as they were leaving Tiguentourine on the escorted bus and that they would subsequently be released by a fabricated army rescue operation or a 'ransomed' release, the two means used very successfully in the DRS-managed 'false-flag' operation of 2003. However, the plan went wrong because, it appears, the attackers encountered unexpected resistance from the gendarmes guarding the bus exiting the plant, at which point the plan began to unravel. Bouchneb's men entered

the complex to find hostages, but soon became trapped there by the surrounding security forces.²⁴

Three other motives have also been put forward. The most widely accepted of these, especially amongst those Algerians who believe that the DRS was involved in the attack, relates to the increasing tension and conflict within Algeria between the DRS and the Bouteflika presidency (see APPENDIX IX), which escalated seriously after late 2009 and dominated the Algerian political scene from then until the reigning in and restructuring of the DRS after September 2013, as detailed in Part IV.

One of the more secret aspects of the post-colonial agreement between the French and Algerian secret services was that that 'terrorism' in North Africa would be left to the DRS to handle.²⁵ Whether the DRS would counter or promote terrorism in the region is another, albeit highly pertinent, matter. Thus, in 2012, the DRS took the initiative in

launching an Islamist insurgency in northern Mali in order to undermine the predominantly Tuareg rebellion that was demanding the independence of Azawad, the Tuareg name for northern Mali. The leaders of the three Islamist 'terrorist' groups behind the insurgency, namely Abdelhamid Abou Zaïd of AQIM, Iyad ag Ghali of Ansar al-Din and Sultanould Badi of MUJAO (*Mouvement pour l'Unité et le Jihad en Afrique de l'Ouest*) were all DRS 'agents' who had been in the service of the DRS for many years.²⁶ By the end of 2012, the situation in Mali was clearly out of control, with the 'rebel' insurgents even threatening the capital, Bamako. With Algeria playing a key role in international fora, notably the UN, in trying to prevent international military intervention, France decided on 11 January 2013 to launch its own unilateral military offensive in Mali to drive the insurgents out of the country. Not surprisingly, France's intervention angered the DRS: it breached the post-colonial agree-

²⁴ Bouchneb, along with all but three of his group of "terrorists", was killed in the Tiguentourine site during the onslaught by the Algerian army.

²⁵ François Gèze, "Le terrible aveu d'un dirigeant algérien: "Nous sommes les derniers pieds-noirs"." *Algeria Watch*, 24 janvier 2014. Accessed at: http://www.algeria-watch.org/fr/article/tribune/geze_derniers_pieds_noirs.htm

²⁶ For details, see Keenan (2013), *The Dying Sahara*.

ment between their respective secret services.

Given that the DRS was understood to be angered that Algeria's President, Abdelaziz Bouteflika, had granted France overfly rights to attack the Islamist insurgents in Mali, it is quite plausible, as proponents of this theory maintain, that the DRS arranged the attack on In Amenas to get their own back on Bouteflika by embarrassing him internationally.



French jets over Mali
AFP

However, while that may well have been the case, it is debatable whether the In Amenas attack could have been arranged at such short notice, five days after the start of French military operations in Mali. On the other hand, although it is not clear on which date Bouteflika actually gave France the overfly rights, it would certainly have been before 11 January, in which case the

DRS might have had more than five days in which to make preparations.

It is more plausible that the attack was planned some time before then, possibly at around the time of the publication of the *El Khabar* article on 12 November 2012, and that the French intervention in Mali may have triggered the go-ahead for the plan.

Another rather Machiavellian explanation for the DRS involvement, attributable mostly, it seems, to Moroccan media sources, was that General Tartag (head of the DRS' Internal Security and Counter-Terrorism Directorate and General Mohamed Mediène's second in command) wanted to demonstrate the DRS' lack of intelligence and preparedness and thereby precipitate Mediène's dismissal and his own promotion to the head of the DRS.

A fourth explanation, raised by several of the expatriate employees who were at the plant at the time of the attack and who were attending the inquest hearings in London, is that the attack was arranged by the Algerian state and Sonatrach with the purpose of closing the plant down for a year or more so that

Algeria would gain an extra year's supply of gas, following the expiry of the JC contract in some ten or so years' time, on which it would have to pay no royalty to BP and Statoil.²⁷ This theory, whilst implausible on many fronts, does reflect the fact that many of the expatriate staff working at the site were convinced that the attack was an 'inside job'.

1.2. Why HMG and other Western powers have been complicit in a cover-up

The simple answer to this question is that Algeria has been closely allied to the USA and UK, as well as other Western powers, in the global war on terror (GWOT) that was launched by the USA after 9/11.

This alliance came into being between the start of the George Bush Jr. administration in January 2001 and the creation in 2002 of the Proactive, Pre-emptive Operations

Group, or P2OG as it became known, by US Defence Secretary Donald Rumsfeld.²⁸

The US and Algeria, through the P2OG, immediately set about the fabrication of 'false-flag' terrorist operations in the Algerian Sahara with the purpose of justifying the launch of a new or second front in the GWOT in Africa.²⁹ The first 'false-flag' operation in October 2002 failed.³⁰ A renewed attempt in February 2003, led by an Algerian DRS agent, Abederrazak (a.k.a, Saifi Lamari, a.k.a. El Para), was an immense success. 32 European tourists were seized in the Algerian Sahara, ironically not far to the southwest of In Amenas, and taken hostage by El Para's group. Half of the hostages were eventually liberated by an arranged assault by the Algerian army; the other half by negotiated ransom payments after they had been driven into northern Mali in what I later learnt to be

²⁷ Personal communication, January 2015.

²⁸ The way in which the US-Algerian GWOT relationship began is described in Chapter 10 of *The Dark Sahara* and continued through the remaining three chapters of that volume. However, when that volume was written, I did not know about the P2OG and that what I was describing was, in fact, the first operation of the P2OG. Therefore, the first account that I wrote of the P2OG did not appear until *The Dying Sahara*, 2013. I would therefore advise anyone wanting to understand the P2OG and this aspect of the US-Algerian alliance to begin with Chapter 1 of *The Dying Sahara*, entitled "P2OG: A Long History of False-Flag Terrorism", and then read back into *The Dark Sahara*, 2009.

²⁹ See Keenan, *The Dying Sahara*, 2013, for details.

³⁰ *The Dark Sahara*, 2009, p. 172-4.

under the conditions of safe passage by the Algerian authorities (i.e. the DRS).³¹

Following the success of this ‘false-flag’ operation in 2003, much of the ‘terrorism’ in the Algerian Sahara and neighbouring regions, notably the Sahel, up to and including the In Amenas attack in 2013, was undertaken by ‘terrorist’ groups, notably Al Qaeda in the Islamic Maghreb (AQIM). These were infiltrated or managed directly by the DRS in the way that former US intelligence officer John Schindler described (see above).



Sand dunes near In Amenas
Author's own

It is unclear when the UK became aware of the creation of the P2OG. Given the close relationship between the Bush and Blair administrations, the UK government may have known about it from the outset. However, it is more likely to have been after Prime Minister Blair replaced Sir Richard Dearlove as head of the Secret Intelligence Service (SIS)³² with Sir John Scarlett on 6 May 2004. From that point on, the UK's SIS became increasingly subservient to the demands of the US.

In April 2009, Patrick Tobin, an Arabist and East African specialist, who had just been appointed as the FCO's regional counter-terrorism security advisor on north-west Africa, was sent to Timbuktu and then Algiers, where he proceeded to work in close association with the DRS and was instrumental in the establishment of the joint UK Algerian committee on counter-terrorism.^{33 34}

³¹ This operation is described in *The Dark Sahara*, 2009, Chapters 1-6.

³² Also known as MI6.

³³ *The Dark Sahara*, op.cit., p. 156.

³⁴ From March 2009, just before Tobin's departure to the region, until after the murder of the British citizen Edwin Dyer in Algeria on 31 May 2009 by Abdelhamid Abou Zaïd, copies of all the author's reports on AQIM and terrorism in the Sahara-Sahel were sent to the appropriate officers at Scotland Yard, to Patrick Tobin in Timbuktu and Algiers and the Embassies, such as Switzerland, of countries whose citizens were or had been held hostage in the region. This

The joint UK-Algerian committee on counterterrorism held the first of its six-monthly meetings in March 2010. From then on, whatever ignorance the UK government might have tried to claim about the nature of 'terrorism' in Algeria had ended.

However, the UK's strong support for the Algerian regime precedes 9/11 and President Bush's launch of the GWOT. The UK sided with the US and France in giving the green light to the current Algerian regime's effective coup d'état in 1992, when it annulled the elections that would have seen the Front Islamique de Salut (FIS) become the first Islamic government in the world to win power through democratic means. In the civil war that was to follow, between the 'Islamists' and the army, an estimated 200,000 Algerians lost their lives, a large proportion at the hands of the army and its DRS. As former US intelligence officer Schindler noted: "Some of the most notorious massacres of civilians were perpetrated by military special units masquerading as mujahidin,

or by GIA squads under DRS control."³⁵

Evidence of the UK's support for the Algerian regime and its atrocities during this period came to light in 2000. In 1998, three cabinet ministers in the New Labour government of Tony Blair - Jack Straw, Geoffrey Hoon and the late Robin Cook - signed a public interest immunity (PII) certificate to prevent documents written about Algeria by the FCO and Whitehall's Joint Intelligence Committee from being submitted in court.

At the court hearing, which concerned three Algerians seeking asylum, but suspected by the UK authorities of being associated with terrorism, the FCO stated that there was "no credible, substantive evidence to confirm allegations implicating Algerian government forces in atrocities." However, when the undisclosed documents were produced 18 months later on the orders of a trial judge, they completely contradicted what the FCO, under the direction of the PII certificate, had told the court. They revealed that British intelligence believed the

was so that these authorities could never claim 'they did not know'. For details of Edwin Dyer's murder, see *The Dying Sahara*, 2013, Chapter 11.

³⁵ Schindler, op. cit. (note 16).

Algerian government was involved in atrocities against innocent civilians.³⁶

The question remains as to why three senior UK government ministers attempted to pervert the course of justice in this way, in a trial of such little consequence that it would otherwise have been unlikely to have made the news, in order to protect the reputation of a regime that was committing the most appalling atrocities and crimes against its own citizens.

Today, the UK government, as with most other EU governments, would no doubt argue that its relations with Algeria are driven largely by the strategic importance of Algeria as an oil and gas producer that can assist European countries in reducing their dependence on Russian gas supplies.

However, the main reason why the UK, US and other western powers

have been complicit the In Amenas cover-up (which preceded the current security threat posed to Europe by Putin's Russia) is because a full investigation of the In Amenas attack would reveal evidence of DRS involvement. This, in turn, could expose the complicit nature of the West's intelligence services in many of the 'false-flag' operations in the region, and particularly the DRS' management of an Al Qaeda

training camp at Tamouret in southern Algeria.

I.3. Tamouret: An Algerian 'killing field'

The importance of Tamouret³⁷ to any investigation into In

Amenas will become more apparent when I turn to the nature of evidence withheld from the In Amenas inquest. At this point, let me merely introduce Bashir and the Tamouret camp.

I had passed very close to the location of the camp on several



Landscape near Tamouret
Author's own

³⁶ Norton-Taylor, Richard, "Terrorist Case Collapses After Three Years", *The Guardian*, 21 March 2000. Cited by, Nafeez Mosaddeq Ahmed, *The War on Truth. 9/11, Disinformation, and the Anatomy of Terrorism* (Moreton-in-Marsh, Gloucestershire: Arris Books, 2005), p. 73.

³⁷ Tamouret, for obvious reasons, is a pseudonym.

occasions between 2003, when I believe it was being planned, and 2005 and 2006 when my suspicions were raised by army patrols blocking my passage into the Tamouret region. Although vague reports of such a camp had emerged, it was not until after 2009 that its nature and existence could be confirmed. Confirmation came from a member of AQIM, 'Bashir',³⁸ later referred to in court as "Witness A". 'Bashir' had spent some seven months being trained in the camp around 2007, prior to the camp's move to northern Mali around 2009. 'Bashir's' testimony, compiled by the author from several dozen interviews conducted over the course of more than four years, has been corroborated by at least two other witnesses.³⁹



Hastily buried graveyard at Tamouret
Author's own

Europe. Our earliest knowledge of his situation in Europe and the first interviews with him began in 2009. 'Bashir' only knew Tamouret by a code name. Most geographical names meant nothing to him. The codename was later identified as the Oued Tamouret in the Tassili National Park, less than 400 kms from the Tiguentourine gas facility

near In Amenas. 'Bashir's' subsequent identification of the Oued on *Google Earth* enabled him to point out many of the facilities of the camp area, including some of the burial locations of those killed there. The details of the burial locations were passed on to a local person, who was able to find the burial site locations and to partially excavate and photograph the shallowly buried remains.

In 2008, 'Bashir' was able to escape the clutches of AQIM and flee to

'Bashir' was able to give details and identities of the camp hierarchy,

³⁸ A pseudonym.

³⁹ Local persons whose names are withheld for their own protection.

namely Abdelhamid Abou Zaïd in charge, Abdullah al-Furathi as his main trainer and Mokhtar ben Mokhtar (MBM), who visited about every two weeks, as being in charge of 'logistics'. Mohamed Lamine Bouchneb, who was later to lead the attack on In Amenas, and Yahia Djouadi were also reported as frequent visitors.

'Bashir' was also able to identify many of the high-ranking army and DRS officers who visited the camp, at times on an almost daily basis, including General Rachid 'Attafi' Lallali, the head of the DRS' External Security Directorate (DDSE).

Bouchneb, however, was identified as one of the most frequent visitors to the camp. 'Bashir' saw him regularly in the company of Abou Zaïd, MBM when he also visited, and the army/DRS officers, especially General Lallali.⁴⁰

'Bashir' also described how guns and ammunition were delivered

directly from Algerian army depots, as well as through arms dealers, two of whom he identified as an elderly French woman, whom he later met again in Paris, and a man whom he identified as Swedish.

According to 'Bashir', the camp's purpose was to press-gang, indoctrinate and train marginalised youths, in various degrees of alienation from their communities across North Africa, the Sahel and even further afield, to commit atrocities in Algerian communities with whom they had no connection. They were generally executed after they had performed their tasks, or before if they gave any hint of dissent. These youths (they were often mere teenagers) were seen as utterly disposable, much as the Iranians regarded the peasant children they sent across Iraqi minefields in the 1980s.

Those who remained in the camp (i.e. not killed) numbered, at any one time, about 270. The majority were Algerians, but 'Bashir' was

⁴⁰ It is not clear from Bashir's evidence whether he was able to identify the presence at Tamouret of General Abdelkader Aït Ouarabi (a.k.a. General Hassan), head of the DRS' SCORAT (*Service de coordination opérationnelle et de renseignement antiterroriste*) and its GIS (*Groupe d'Intervention Spéciale*), who, from the information that has subsequently come to light (see PART IV), appears to have played a key role in the terrorist attack on In Amenas. It is conceivable that Hassan did not visit Tamouret during the time that Bashir was there, or simply that Bashir was unaware of his presence there.

able to identify some Egyptians, several Tunisians, a few youths from Morocco and Libya, a scattering from the sub-Sahara, including Nigeria, Yemen and Somalia, and even Central Asia. He was able to name many of the trainees and trainers by their *nom de guerre* and to identify and name photographs of many of El Para's original team.

Bashir also gave precise details of the training, specifically in sniping and throat-slitting (*égorgement*).

Snipers were the elite and had greater freedoms and privileges within the camp. Throat-slitting was the most common form of killing - what he called in Arabic *al-mawt al-baTii* ('the slow death').

Prisoners, who were to be killed as part of the training process, were delivered to the camp by the Algerian army/DRS in a more or less continual flow (on average 4 times a week). 'Bashir' described how an average of 2-3 persons were

executed in training every 3-4 days, with those killed including army officers and soldiers, who had presumably stepped out of line or were deemed 'suspect', as well as 'civilians' or 'common criminals', as he called them, from the prisons. These latter comprised many of *les disparrus*, the thousands who disappeared at the hands of the Algerian regime in its 'dirty war' of the 1990s.⁴¹

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that American and
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known what was
going on at
Tamouret.**

'Bashir' claims to have seen some 180 murders undertaken in this way during his seven-month stay in the camp. The dead bodies were disposed of by burial squads. With the help of local colleagues, some of these graves have now

been located and investigated, with the dead bodies and skeletal remains (along with accompanying data and evidence) being recorded photographically.

It is inconceivable that American and British intelligence agencies, who were working hand in glove with the DRS during these years, could not have known what was

⁴¹ See: Youcef Bedjaoui, Abbas Aroua, Méziane Aït-Larbi (eds), *An Inquiry into the Algerian Massacres*, Hoggar, 1999.

going on at Tamouret. Moreover, Tamouret was almost certainly a major asset to Western intelligence agencies. As recruits arrived at the camp, their identities, including photographic recognition (and, it is believed, DNA), were recorded by DRS officers. This data was dispatched to Algiers where it is believed to have been shared with US and British intelligence agencies, both of which had close working relations with the DRS.⁴²

Through the West's counter-terrorist relations with Algeria's DRS, the Tamouret operation would appear to have provided the West with the identities of hundreds, possibly thousands, of Al Qaeda 'terrorists'. This may explain why so many terrorist attacks were reportedly foiled during these years. If that were the case, Tamouret might be deemed as having been a brilliant counter-terrorism operation. However, its success, if it can be called that, was predicated on a monstrous crime: the cold-blooded murder of hundreds, if not thousands, of innocent victims. It is for this reason that its presence, and western complicity in

its operation, has always been denied.



Partly exhumed grave at Tamouret
Author's own

⁴² In 2001 (after 9/11), Algeria provided the US with a list of 1,350 names of Algerians abroad with alleged links to Osama bin Laden, and a list of alleged Islamist militants inside Algeria. (For details, see *The Dark Sahara*, 2009, p. 164).



PART II

EVENTS AND NEW EVIDENCE
IN THE ELEVEN MONTHS PRIOR TO
THE SEPTEMBER 2014 INQUEST

PART II

Events and new evidence in the 11 months (10 October 2013 – 15 September 2014) prior to the inquest

II.1. The response of HMG to questions from the families

During the summer of 2013, Rosie Cooper, MP for West Lancashire and the constituent MP for the families of some of the deceased, had arranged for the families to meet and question Alistair Burt, the Parliamentary Under Secretary of State at the Foreign and Commonwealth Office (FCO). Burt had been the FCO Minister handling Algerian affairs for the previous three and a half years, including having much to do with the joint UK-Algerian committee on counterterrorism, and was extremely well versed on UK-Algerian relations. The meeting had been arranged for 10 October 2013, the date of publication of Article 3, a draft of which had been sent to the families some days before its publication and which provided the basis for the questions that the families submitted through Rosie Cooper to Alistair Burt.

However, by even more extraordinary coincidence, Alistair Burt was dismissed as a Foreign Office Minister in the ministerial reshuffle of 7 October, three days before his meeting with Rosie Cooper and the families. No explanation for his dismissal has been offered. Indeed, his sacking mystified Middle East experts and Westminster-watchers alike.⁴³ Whether it was designed to save HMG from a potentially awkward and embarrassing confrontation regarding the allegation of a cover-up over In Amenas remains conjectural.

The result was that the new Minister of State at the FCO, Hugh Robertson, who met the family members on 10 October, was completely unfamiliar with the case and unable to do more than offer his

⁴³ Martin Bright, "Why did Alastair Burt lose his job?" *The Jewish Chronicle online*, 18 October 2013. Accessed at: <http://www.thejc.com/comment-and-debate/columnists/112449/why-did-alastair-burt-lose-his-job>

condolences.⁴⁴ The families' questions were therefore referred to FCO officials who provided the new Minister with responses that were sent to Rosie Cooper and the families on 7 November. They are contained in Appendix I.

The FCO's responses to the questions reveal HMG's longstanding partiality, subservience and prejudice towards the Algerian regime and its clear refusal to examine open-mindedly the evidence of the DRS' possible involvement in the In Amenas attack. In spite of the DRS' historical record of involvement in terrorism during the 1990s 'civil war' and evidence of its subsequent involvement in the fabrication of 'false-flag' operations during the post-2001 GWOT, the FCO stated quite categorically that: "The British Government believes that responsibility for the attack at In Amenas rests with the terrorists

who carried it out and not the DRS."⁴⁵

The first of the 12 questions put to the FCO was whether it was aware of the article in the *El Khabar* (*Al-Khabar*) newspaper, published on 12 November 2012, two months before the attack, which appeared to be giving a fairly unambiguous warning of the likelihood of an imminent terrorist attack on an oil/gas installation in the region.

The fact that the FCO claims to have been aware of the article but saw nothing untoward about it, and therefore took no further action on it, speaks volumes. The author, Hamid Yacine, was identified as a pseudonym for Boualem

Boughamrassa, who is known to work for the DRS, it might reasonably be presumed that HMG, which had a close working relationship with Algeria's DRS during this period, might have been able to do the same.

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⁴⁴ Hugh Robertson was previously the Minister of Sport.

⁴⁵ The Rt Hon Hugh Robertson MP, Minister of State at the Foreign and Commonwealth Office. 8 November 2013. (See Appendix I for full text).

The *El Khabar* article paints Bouchneb as a seasoned terrorist, drawing attention to his role in a terrorist attack on Djanet airport (in south-east Algeria) in 2007⁴⁶ and in the kidnapping of an Italian tourist in the same region in 2010.⁴⁷

The fact that such a seemingly dangerous terrorist was at large in a major oil/gas region raises questions as to why HMG did not regard it in a more serious light, especially as a major, partly British-owned facility, the Tiguentourine plant near In Amenas, was close by.

Either HMG was aware of Bouchneb's relationship with the DRS and therefore did not see him as a particularly dangerous threat to the facility, or HMG was not aware of Bouchneb's relationship with the DRS, in which case its failure to alert BP, following the publication of the *El Khabar* article, must be seen as bordering on negligent. Why BP itself did not see the article, as it claims, remains something of a mystery.

Article 3 questioned why the DRS and/or Sonatrach (the Algerian state

oil company) did not warn their IOC (international oil companies) partners in the country, especially BP and Statoil, that a terrorist gang was planning to attack an installation in the region. It also asked why Western Embassy services in Algiers, or their intelligence services in London, Paris, Berlin, Oslo or elsewhere, did not pick up on the *El Khabar* article and warn their IOCs operating in Algeria of such a clear danger.

It would appear that Western diplomatic and intelligence agencies did not have sufficient intelligence of their own (i.e. without reliance on the DRS) to know whether the *El Khabar* story of November 12 was true or fabricated. However, if they had suspected that it was fabricated, as all the evidence indicates, could they not see that it was perhaps a warning to Western countries, especially the US and UK, who were by this time seriously questioning their support for the Algerian regime and more especially its DRS?⁴⁸

⁴⁶ *The Dying Sahara*, 2013, pp. 85-8.

⁴⁷ *The Dying Sahara*, 2013, p. 210.

⁴⁸ They had been particularly irritated by Algeria's covert support for Qadhafi during 2011.

The FCO's answer to the ninth question raised by Rosie Cooper is extraordinary. The question asks whether the FCO is aware of the claim made in 2012 by a senior US intelligence officer, John Schindler, that Algeria's DRS creates its own terrorists and uses them to undertake 'false-flag' acts of terrorism. The FCO's reply is that it is aware of Schindler's article, but has seen no credible evidence to support his assertions. Given the literally thousands of pages of scholarly evidence in support of Schindler's claim, not least the 1,473-page Inquiry into Algerian massacres in the 1990s,⁴⁹ the FCO's reply is difficult to understand and almost certainly disingenuous.

In its reply to Question 10, which asked what reliance the FCO would place on Algeria conducting or assisting in an open, honest and transparent investigation, the FCO reported it believed that the Algerian authorities would conduct an "honest and transparent investigation".

That is an admirable belief, but one that the FCO knows to be wholly misplaced. One simply has to ask when the current Algerian regime, in power since 1992, has ever undertaken an "open and transparent investigation". Indeed, as revealed in more detail below, at about the same time as the

FCO was giving this answer, Murielle Ravéy, the French hostage who managed to escape from the plant, was writing in her book on her experience that the request for assistance sent by France to Algeria re-

ceived no answers. We therefore have the rather odd situation that at the same time as the FCO was saying that it believed that Algeria would conduct an "honest and transparent investigation", France was experiencing the precise opposite. Algeria was blocking the flow of all information on the In Amenas siege to the French authorities.

Indeed, as the Algerian regime has never undertaken an "open and

The FCO reported it believed that the Algerian authorities would conduct an "honest and transparent investigation".

⁴⁹ Youcef Bedjaoui, Abbas Aroua and Meziane Ait-Larbi (Eds), *An Inquiry into the Algerian Massacres*. With Forwards by Professor Noam Chomsky and Lord Eric Avebury, Hoggar, 1999: pp. 1,473.

transparent investigation” into any terrorist incident, it seems either naïve or duplicitous on the part of the FCO, let alone disrespectful to the families of the deceased, to suggest that it would do so now.

These almost sycophantic responses of the FCO towards Algeria bring us back to issues raised above, namely why does the UK appear to be protecting the Algerian regime in this way? The answer is not simply because Algeria is a hydrocarbons exporter, or because the UK now supposedly works very closely with Algerian regime in counter-terrorism and related issues, but because the UK, along with the US and possibly also France, is aware of the DRS’ management of the Tamouret ‘terrorist’ training camp.

II.2. Algeria’s response to the allegation of a ‘cover-up’

The allegation of a ‘cover-up’ made in Article 3 and published online on 10 October 2013 contained detailed information about Bouchneb, the *El Khabar* article of 12 October 2012 and Tamouret, all of which was very damaging to Algeria.

However, because of the proximity of the date of publication (10

October) to the anniversary of the In Amenas attack, it is difficult to know whether many of the Algerian responses, mostly made in January 2014, were a response to this specific allegation of a ‘cover-up’ or the generally bad international press against Algeria on the occasion of the anniversary of the attack.

Nevertheless, there is one event that may have been directly linked to the publication of the ‘cover-up’ allegation. This was the release of four French hostages.

II.2.i Release of the four French Areva hostages

On 16 September 2010 seven employees were seized and taken hostage from the uranium-mining complex near Arlit in northern Niger. The seven worked for the French nuclear group Areva and a subsidiary of the construction group Vinci. They comprised five French nationals, one Togolese, and one Malagasy.

At the time of the kidnap, it was generally assumed in official media reports that the kidnap had been undertaken by Abdelhamid abu Zaid’s AQIM. However, as time moved on, evidence revealed that

Ansar al-Din, the Islamist 'terrorist' group created in December 2011 and led by the Malian Tuareg leader Iyad ag Ghali, which was closely linked to Abou Zaïd's AQIM, played a major role in managing their captivity. In February 2011, AQIM released three of the hostages, a French woman and her two African colleagues, reportedly for a ransom. The remaining four French men remained in captivity.

On 29 October, 2013, President Hollande announced that the four remaining French hostages had been released.

The 'official' version of their release, as reported in most media, was that the Niger government had played a key role in the release. An official in the Niger government had said preparations towards the freeing of the hostages had been going on for a number of days before the morning of October 29, when the Islamist kidnappers finally gave the go-ahead for the release operation. After the Islamists had given the green light, a Niger army helicopter took off from the capital, Niamey, towards northern Mali where the

hostages were reportedly being held.

Aboard the helicopter were a Tuareg, Mohamed Akotey,⁵⁰ board chairman of Imouraren SA (a local subsidiary of Areva), the Niger government's main negotiator in the matter, and General Lawel Sekou Korah, head of Niger's intelligence agency.

Following widespread media questions and speculation about ransom payments and compensation to the various intermediaries, French Foreign Minister, Laurent Fabius denied that France had paid a ransom. "France does not pay ransoms, it is crystal clear. The order from the president is not to pay ransom(s). This order was enforced," he said.

However, according to Louis Caprioli, former head of counter-terrorism at the French Directorate of Territorial Security (DST), it was likely that the hostages were released "in exchange for a ransom". Caprioli said he did not see any other possibility "because despite the skillfulness of the

⁵⁰ Akotey is not only the nephew of Mano Dayak, the deceased former Niger Tuareg rebel leader, but, as a member of the Tidène branch of the Mali Ifoghas tribe, has kinship links to Iyad ag Ghali, the outlawed leader of the Islamist group Ansar al-Din.

President of the Republic of Niger and the negotiators, I do not see why AQIM would free people they have held for three years, only to please France.”⁵¹

Caprioli said it was likely a ransom was paid out by the employers of the four released hostages, Areva and its subcontractor Satom, further arguing that even in the absence of a ransom some “financial compensation” would have been awarded in the course of the lengthy negotiations.

Aside from a financial compensation, the French media were speculating that some Tuareg leaders allied with AQIM, notably Iyad ag Ghali, may have played a role in the release. In September, a source quoted by the French newspaper *Libération* said that Iyad Ag Ghali may have taken custody of the hostages. “At least, he would have been a go-between in the negotiations” conducted by the French defence ministry, wrote the newspaper. Prior to his creation of the jihadist group Ansar al-Din in December 2011, Iyad Ag Ghali had acted as an intermediary in several hostage releases.



Iyad Ag Ghali

In spite of the French government denial, the French media were quick to cite unnamed sources that a ransom of 20 million euros had been paid. The French media, notably *Radio France Internationale* (RFI), were also quick to suggest that Iyad ag Ghali and his cousin (actually a nephew) Abdelkrim le Tuareg, who is sometimes known as Taleb (preacher) Abdelkrim but whose proper name was Hama ag Hamada, were heavily implicated in both the detention and release of the hostages. RFI claimed that the two Tuareg took responsibility for the care of the hostages following the death of their original captor, AQIM leader Abdelhamid Abou Zaïd, who was reportedly killed in the French counter-offensive in northern Mali in March 2013. Further reports said that Iyad had also been granted immunity from

⁵¹ <http://www.rfi.fr/afrique/20131030-liberation-otages-niger-negociations-aqmi-caprioli-dst>

prosecution for his role in the release.

This version of events has led many security experts to heavily criticise France for paying a 20 million Euro ransom, saying that the payment of ransoms merely encourages more hostage-taking.

However, this account is only partially true. The reality of the Areva hostage-takings is very different. As originally reported, the hostages were initially seized by AQIM, whose leader in the region was Abou Zaïd. However, Abou Zaïd was a DRS agent, as were several other Islamist leaders in this sector of the Sahara-Sahel. Their seizure of the hostages on 16 September 2010 was in retaliation to President Sarkozy's two disastrous military raids into northern Mali on 22 July 2010 and intended as a warning against making any more such raids so close to Algerian territory.⁵²

For at least 18 months prior to the hostages' release on 29 October, evidence pointed increasingly to the

involvement of Algeria's DRS in the whole operation. This was not simply because both Abou Zaïd and Iyad ag Ghali were DRS agents, but because several local Tuareg informants had reported that the Areva hostages were being held in various, small military 'casernes' (barracks) on the Algerian side of the Mali-Algerian and Niger-Algerian borders, in Algerian military zones.⁵³ It can be presumed that this was not only to ensure the safety and well-being of the hostages, but also to ensure that the French did not try and rescue them. The presence of the hostages in Algeria was confirmed on 20 June 2013 by the French weekly *Le Nouvel Observateur*. Evidence indicates that French military intelligence was fully aware that the hostages were being held in Algeria.⁵⁴

Indeed, local Malian Tuareg, speaking to RFI reporters on the day of the hostages' release, confirmed that the hostages had been held "just on the other side of the frontier in Algerian territory, to the north of

⁵² For details, see *The Dying Sahara*, 2013, Chapter 15 (President Sarkozy declares war on Al-Qaeda), pp. 197-206.

⁵³ Personal communications from local Tuareg.

⁵⁴ Personal communications from sources close to French military intelligence.

Bourassa (Boughassa),”⁵⁵ an area which is an Algerian military zone.

Neither France nor Algeria can ever admit publicly that the hostages were held in an Algerian military zone. The claims and denials of ransom payments can therefore be regarded as part of the smokescreen designed to make the release sound credible.

Sources⁵⁶ well-connected to French military intelligence indicated that the French used Article 3, published some two and a half weeks beforehand, to exert pressure on Algeria to activate the hostages’ release.

II.2.ii. Algerian responses to the first anniversary of the In Amenas attack

It is difficult to know whether Algeria’s many other responses around this time were in reaction to the publication of Article 3 or the generally negative publicity towards Algeria in the international media that surrounded the first

anniversary of the In Amenas attack.

A flurry of media articles from Algeria during January 2014 suggested that several of the foreign critiques and commentaries on the anniversary of the attack and Algeria’s response to it had irritated Algeria. Prominent among these were:

- The opening on Monday 30 December of a judicial enquiry in Paris into the In Amenas attack. The case was opened automatically, as is the case when French hostages are taken. In the attack, one French citizen, Yann Desjeux, was killed while another, Murielle Ravey, escaped.
- An increasing number of articles in the foreign media quoting survivors blaming poor security at the site.
- A number of foreign media articles commemorating the anniversary and raising oft-

⁵⁵ “Ex-otages français d’Arlit: questions sur l’implication d’Iyad Ag Ghaly.” *RFI Afrique*, 31.10.2013. Accessed at: <http://www.rfi.fr/afrique/20131031-otages-niger-iyad-ag-ghaly-aqmi-algerie-touareg>

⁵⁶ Op. cit. (note 57).

en highly critical questions about Algeria's response to the attack and its general lack of subsequent cooperation.

- A series of media publications emanating from London, which I believe were those published by ISCI, raising very specific allegations of both the DRS' involvement in the attack and the subsequent governmental collusion in its cover-up.

- A highly publicised interview in a French newspaper (*Journal du Dimanche* 04.01.14) with Murielle Ravey, the French nurse who escaped and survived the attack, and the publication of her book (*In Amenas: Story of a trap*, Editions de La Martinière) on 9 January, in which she raised very specific concerns about complicity from within the In Amenas facility.

Among Ravey's many allegations were:

"The lack of transparency between Algiers and Paris is staggering." (Ravey)

- The Algerian government had not collaborated with the French investigators from the Central Directorate of Internal Intelligence (DCRI). France had had to rely on the American FBI, which had been given access by the Algerians, to see the files on the three captured terrorists.

➤ The DCRI had not been permitted access to Algeria to investigate the case. Officially, the DCRI's request for assistance received no answers, although it alleged that French investigators were told informally that the "Algerians had nothing". In her book, Ravey wrote: "The lack of transparency between Algiers and Paris is staggering."

- A hostage seizure of this magnitude could not have been done so quickly and easily without collusion from within the site. "The [seizure]," she said, "was probably facilitated by complicity and lax security

on the site during the weeks before the attack.” This claim was strongly substantiated by the published investigation undertaken by *Europe 1*’s journalist Walid Berri-soul.

- Ravey also revealed how Paul Morgan, the head of security at the site and the first expatriate to die in the attack, had told her that he was resigning his post and leaving because he could do nothing more to ensure the site’s security “over which he no longer had any control”.
- BP and Statoil had allegedly not updated their security protocols and adapted them to the increased risk of terrorist attacks following the fall of Colonel Qadhafi’s regime and the ensuing chaos in Libya and along its border with Algeria.

The first Algerian reaction to the opening of France’s judicial enquiry came in the form of a statement from Justice Minister Tayeb Louh, published on 10 January, asserting that Algeria had the “sole right to investigate last year’s attack” and

that an investigation was already being conducted in Algeria by a “specially appointed examining judge”.

Algeria, of course, has no “sole right” to such an investigation, while news that it was actually conducting an investigation appears to have been unknown to everyone.

A significant but little noticed report in the Algerian press was the reconfirmation that three of the 32 terrorist assailants had been captured and were in custody.

Concurrent with Louh’s announcement was a statement from the Foreign Minister’s spokesman Amar Belani. Responding specifically to the foreign accusations of poor security at the plant and criticism of the Algerian military’s bloody intervention, Belani said: “The intervention by the Algerian security forces was imperative for saving hundreds of human lives and for protecting a strategic site that the terrorists were planning to blow up.”

Belani slammed what he called “the one-sided agitating in certain foreign media.” In what may have

been in response to Article 3, Belani said: “We vigorously reject the biased claims and absurd allegations published by those media which ... almost exonerate the authors of this heinous attack and portray a gang of lawless criminals as potential interlocutors with whom there was an opportunity to negotiate.”

II.2.iii. *El Watan*’s ‘alternative narrative’

The most significant response to these criticisms and allegations was an article published in the Algerian daily newspaper *El Watan*, entitled “*Nouvelles révélations sur l’attaque de Tiguentourine*” (10 January 2014) (see APPENDIX VI), which gave rather different numbers of terrorists involved and captured than previous statements from the Algerian authorities during the previous year.

The article stated that “more than 30 terrorists were killed (32 to 38 according to sources)” and not 29 as hitherto stated by the Algerian authorities and cited in almost all previous reports and articles on the subject. It also said that seven others were captured, not three, as has always been stated by the Algerian

authorities, while two others, “in addition to Mokhtar Belmokhtar (MBM)”, escaped. Of the seven terrorists captured, four are said to be serving life sentences issued in absentia by an Ouargla tribunal for other terrorism offences.

This information is contrary to the official version of events given by Algeria over the previous 12 months. Indeed, the French judicial inquiry, which began in the same week as the *El Watan* revelations, endorsed the view that all the terrorists were killed in the attack except for three who were captured by the Algerian security forces and taken into custody. Moreover, the *El Watan* article is the first Algerian source to claim that MBM had actually been present, at Tiguentourine during the attack.

The *El Watan* article was written by Salima Tlemçani (her real name is Zine Oubouchou), who is well known as being a ‘close associate’ of the DRS and generally regarded as being the DRS’ main journalist. Articles on security matters cannot be published in the Algerian press without clearance from the DRS. It can therefore be safely assumed that the article carried data and views approved by the DRS.

This leads us to one of three possible conclusions. The first is that if the article is true, then the Algerian authorities had been giving incorrect information with regards to the number of terrorists involved – killed, escaped and/or taken captive - to all the many and mostly international interested parties during the course of the previous year.

If, on the other hand, the article was a fabrication, we have to ask what the DRS' motives may have been for planting such false information.

Thirdly, the possibility that the article was the outcome of bungling by *El Watan's* sub-editors cannot be discounted. Algeria's newspapers have notoriously low standards of sub-editing.

It is possible that the article was simply an attempt by the DRS to sow confusion and the seeds of an 'alternative narrative' of what happened at In Amenas. The deliberate creation of confusion has long been part of the DRS' *modus operandi*. However, whatever the

DRS' intent, this account of the incident gained no traction.

More plausible reasons for the article may have been to try and absolve the DRS of the allegations made in the ISCI articles of its involvement in the In Amenas attack, or, even more likely, to try and clear itself of the evidence, circumstantial or otherwise, that other and more powerful centres of power within the Algerian regime may have acquired of the DRS' involvement in the attack.

**The deliberate
creation of
confusion has
long been part of
the DRS' *modus
operandi*.**

At the time of the In Amenas attack, the DRS was probably the most powerful institution in Algeria. It had become a state within a state, more powerful at that time than the presidency, with whom it had been entangled in a bitter power struggle since late 2009 (see PART IV), and possibly also the army, over which it exercised considerable control. However, in September 2013, eight months after the In Amenas attack, President Bouteflika, although severely weakened by a stroke that had necessitated three months hospitalisation in Paris, decreed a raft of

ministerial changes along with an extraordinarily daring restructuring of the DRS, that left it a shadow of its former self. Although the DRS chief, General Mohamed Mediène, was left in post, the heads of all the DRS' main directorates were removed and replaced, leaving Mediène more or less at the mercy of the new power axis that had been forged between the presidency and General Gaïd Salah, Chief of Staff of the Army and deputy defence minister.



General Gaïd Salah
U.S. Navy, photo by Chief Photographer's
Mate Johnny Bivera

It is now widely believed that Bouteflika and Gaïd Salah's decision to move against the DRS in September 2013 had something to do with either the DRS' mishandling of the In Amenas situation

or its direct involvement in the terrorist attack. It is also recognised that would not have felt sufficiently empowered to make such moves against the DRS without the support of Algeria's Western allies, notably the US. The US almost certainly knew of the DRS' involvement in the In Amenas attack and, after the DRS' backing of Qadhafi in 2011 and the Mali Islamist insurgency through 2012, it may well have wanted the organisation dismantled. Indeed, as Part IV explains, it is now known that in January 2014, at the time of the *El Watan* article, moves were afoot to dismiss more top DRS officers and possibly even bring criminal charges against them.

The *El Watan* article has to be read in this context of high-level infighting between the country's two most powerful political poles, the DRS on one side and the Presidency and army on the other. The article may well have been an attempt by the DRS to exonerate itself from charges of either its mishandling of the In Amenas siege or involvement in the attack.

For example, the article specifically states that General Gaïd Salah gave the local army commander *carte*

blanche to make all decisions he thought necessary, whereas we know from the testimony of Habib Souaïdia⁵⁷ and other reports that the DRS' General Athman Tartag, head of the Internal Security Directorate, took over complete command of the operation, overriding and contravening the decisions that had been made by local army and gendarmerie commanders. As explained in PART IV, we now know that the DRS' General 'Hassan' (Abdelkader Aït Ouarabi), head of the Special Intervention Forces was probably also alongside General Tartag.

In other words, the *El Watan* article is trying to shift the responsibility and blame for the military assault that led to the death of so many of the hostages, and for which Algeria has been strongly criticised, onto General Gaïd Salah and the local army commander rather than the DRS.

The *El Watan* article raises several other questions. For example, the article says it was the inexperience of Mohamed Lamine Bouchneb and

Abderrahmane El Nigiri "compared to other members of MUJAO" in communicating by phone that enabled the security forces to locate their positions. In fact, there is no evidence, other than statements such as this from the DRS, that the terrorists did give away their positions by using their phones. Moreover, if it is true that they did give away their positions, why did the Algerian authorities give five separate versions of the routes that the terrorists took in travelling to In Amenas?⁵⁸ If the DRS had located them, why didn't they intercept them and cut off the attack? If the leaders of the attack, Bouchneb and El Nigiri, did communicate by phone, it can surely only be because they knew that they were in no danger from the Algerian security forces, as all experienced 'terrorists' know that phone signals can be located. To say that Bouchneb and El Nigiri were using their phones is tantamount to calling them 'country bumpkins'. That may have been the picture that the DRS wanted to create, but it is simply not true: Bouchneb is known to have been a

⁵⁷ Habib Souaïdia, "Révélations sur le drame d'In-Amenas: trente otages étrangers tués par l'armée algérienne, au moins neuf militaires tués." *Algeria-Watch*, 11 février 2013.

http://www.algeria-watch.org/fr/aw/souaïdia_in_amenas.htm

⁵⁸ See ISCI Article 2: "In Amenas: the need for an international enquiry," *ISCI*, 15 May 2013. Accessed at: http://statecrime.org/online_article/in-amenas-the-need-for-an-international-enquiry/

highly trained and experienced DRS operative.

Perhaps the message that the *El Watan* article is trying to convey is that Bouchneb could not have been a DRS operative, as no trained DRS operative would have been so foolish as to use their phone in this way. In fact, the converse applies: if Bouchneb and El Nigiri had used their phones in the way that the article claims, then it is more reasonable to presume that it was not out of naïveté but because they knew they had safe access to In Amenas.

II.2.iv. More evidence of DRS involvement

More potentially incriminating evidence regarding Algeria's alleged involvement in the In Amenas attack was published in a number of media reports on 13 January 2014. These reports, sourced to French military operations in northern Mali, said that ten individuals involved in the In Amenas attack were currently located in northern Mali. The report said that the individuals "had not been directly

involved in the attack but were sponsors of the terrorist operation through their contribution in terms of strategy and logistics".⁵⁹

Among those identified by name, in addition to MBM, were the Mauritanian Hamada Ould Mohamed El-Kheiri, alias Abu Qumqum, and an Algerian called Ahmed Al Tlemci – who are founding members of MUJAO – a Malian, Sultan Ould Badi and Abu al-Walid Sahraoui (a MUJAO spokesman).

On face value, this sounds like further evidence of wider terrorist involvement in the In Amenas operation. But it raises a particularly difficult problem for Algeria and its DRS because there is very strong evidence that Sultan Ould Badi was a DRS operative. For example, in 2010, the DRS' General Rachid ('Attafi') Lallali abandoned President Bouteflika in Berlin while accompanying him on an official visit to Germany to fly directly to Bamako to secure Ould Badi's release from prison after the latter had been inadvertently picked up and jailed by Malian security

⁵⁹ "Une dizaine de terroristes impliqués dans la prise d'otages de Tiguentourine sont au Nord Mali," Agence de presse Xinhua, 13 January 2014. Accessed at: http://french.china.org.cn/foreign/txt/2014-01/13/content_31166015.htm

forces.⁶⁰

Another claim of DRS involvement in the In Amenas attack has been made by two members of the *Mouvement Algérien des Officiers Libres* (MAOL), namely a former DRS captain called H. Haroune, and A. Chouchan,⁶¹ a former captain and instructor in the Special Forces which were under the command at the time of the DRS' General Hassan (see PART IV), who has since been dismissed, charged and imprisoned.⁶² They have claimed that General Mediène ordered the attack on In Amenas (presumably planned to be a hostage-taking mission that the army would resolve as it did at Gharis in 2003⁶³) because of his anger with Bouteflika for allowing

the French to overfly Algeria and attack the Islamists whose leaders – Abdelhamid Abou Zaïd and Iyad ag Ghali - were working with the DRS.

Some credibility for this claim comes from the French publisher François Gèze⁶⁴ and the French journalist Nicolas Beau, editor of the Mondafrigue information website and the author of a very insightful book on the French military intervention in Mali.⁶⁵ Beau describes an interview, reported by Gèze, in which Colonel Ali Benguedda (known as 'Little Smaïn'), assistant to the late General Smaïn Lamari (d.2007), head of the DRS internal security and counter-espionage directorate, confirmed how the DRS ran and managed the Islamist

⁶⁰ "Le général Attafi au Mali pour sauver le Polisario." *Bamanet* 21 December 2010. Accessed at : <http://www.bamanet.net/index.php/actualite/les-echos/12478-le-general-attafi-au-mali-pour-sauver-le-polisario.html>; "L'adjoint du général Tewfic au Mali pour sauver le Polisario." *Maghreb Intelligence* 10 December 2010. Accessed at: <http://www.maghreb-intelligence.com/algerie/101-ladjoint-du-general-tewfic-pour-sauver-le-polisario.html> (See also: Jeremy Keenan, *The Dying Sahara* 2013, pp. 221-222; 304n.).

⁶¹ "La sex-tape de Bouteflika avec sa maitresse Soraya H et autres révélations sur la prises d'otages – Véridique?" *Libres Penseurs*, 30 Avril 2013. Accessed at: <http://librespenseurs.unblog.fr/2013/04/30/la-sex-tape-de-bouteflika-avec-sa-maitresse-soraya-h-et-autres-revelations-sur-la-prise-d-otages-veridique/>; see also: Ahmed Chouchane et Haroune Hacine et l'affaire d'In Amenas: <http://www.youtube.com/watch?v=q-47A0mxQk>

⁶² Following the dismantlement and restructuring of the DRS by President Bouteflika in September 2013, the newly formed Special Commission on Security held its first meeting on January 13, 2014, under the chairmanship of General Gaïd Salah at which it officially retired "General Hassan" (real name Abdelkhader aït Ourabi), the head of the DRS' Special Intervention Forces.

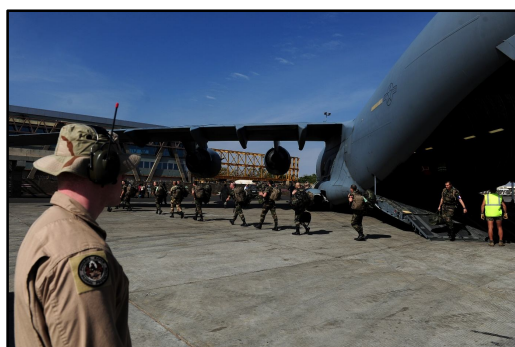
⁶³ For details of this operation, see Keenan, J., *The Dark Sahara*, Chapter 4, pp. 59f. (The Hostage Liberation).

⁶⁴ Gèze, op. cit. (note 26).

⁶⁵ Nicolas Beau, *Papa Hollande au Mali. Chronique d'un fiasco annoncé*. Balland, October 2013.

groups and encouraged their violent actions in order to appear to their Western backers as essential partners of the West in combating terrorism. This is precisely what the US intelligence office John Schindler (see above) had reported.

Both Gèze and Beau point to the DRS' anger at France's intervention in Mali and thereby give some credibility to the MAOL allegations that Mediène ordered the In Amenas attack in "revenge".



French troops in Mali
*US Air Force, photo by Senior Airman James
Richardson*

II.2.v. Algeria's lack of cooperation

A notable feature of the In Amenas attack and its aftermath has been Algeria's complete lack of cooperation with any of the countries of the deceased foreign nationals, with the possible and questionable exception of the US,

which has also remained silent on that matter.

Murielle Ravey confirmed in January 2014, at the time of the publication of her book and the start of the French judicial inquiry, that the request for assistance sent by France to Algeria had received no answers.⁶⁶

At the London Inquest, roughly a year later, the inquest court was informed that all requests to the Algerian authorities for information were rebuffed. Indeed, not a single Algerian official or witness was made available to the London inquest.

Algeria's reason for this complete lack of willingness to cooperate in any sort of investigation into the In Amenas attack has been its claim of 'sovereignty', by which it seems to be implying that it is the only party which has the right to carry out such an investigation, that it was conducting its own judicial investigation, and that the sharing of any information for any other investigation than its own might prejudice the outcome of its own investigation.

⁶⁶ Ravey, op. cit. (note 51)

However, as reported above, Algeria does not have a properly functioning judicial system. Judicial investigations, such as they are, are merely what the state wishes to be revealed. Consequently, Algeria's claim that its judicial investigation into In Amenas is in motion carries little or no credibility. At the time of the London inquest verdict, more than two years after the attack, not a single foreign national had been requested to give evidence to the Algerian inquiry. That is still true at the time of the publication of this report in November 2016, three years and ten months after the attack.

As more and more evidence of Algeria's complicity in the attack, though its DRS, comes to light (see PART IV), it is becoming self-evident that that is the most obvious and likely reason for Algeria's unwillingness to cooperate.

II.3. Preparations for the London Inquest 28 January 2014 – 15 September 2014

Several of the families of the deceased, whose deaths were the subject of the London inquest opening in September 2014, had met with me before the start of the inquest and were aware of the allegations made in Article 3 that the inquest was likely to be a cover-up.

The families were therefore reassured by the coroner, Ms Penelope Schofield (PS), who, at the 28 January 2014 pre-inquest hearing, said she was widening the scope of the inquest, at the specific request of the legal teams, to look at all of the events leading up to and including the attack. The families understood this to mean that no stone would be left unturned in trying to find out all the circumstances that led to the attack – that is, who carried out the attack and why.

In the light of Ms Schofield's assurances, I emailed her on 3 February 2014 requesting that I give evidence at the inquest to substantiate the allegations made in the ISCI articles, specifically the

Judicial investigations [in Algeria] are merely what the state wishes to be revealed.

relationship between Bouchneb, the leader of the attack, and the DRS.

The email to the coroner stressed that as “the evidence I have may not be made available to the coroner’s inquest, I would be most grateful if I could meet with you to discuss my predicament, with the specific purpose of requesting your advice /direction on how I could or should submit evidence to the inquest hearing in my own individual capacity, without necessarily being called as an ‘expert witness’ by any of the various parties concerned.”

Ms Schofield’s office did not reply, as the email had been forwarded to Detective Constable William Wixey of the SO15 Counter Terrorism Command, who emailed me 14 February, saying that the Metropolitan Police Service (Met) was acting as agents of the Coroner in this matter and Ms Schofield had therefore passed my email to the Met for its attention.

The gist of DC Wixey’s email was that the Met was aware of my expertise in this particular field and that I had published a number of articles on the subject of Algeria / In Amenas, and that if I felt that I was currently holding additional mate-

rial that I believed might be of evidential value to their investigation, then he would be grateful if I would contact him so that we might arrange a mutually acceptable time to meet to discuss the matter further.

The meeting, between myself, DC Wixey and his colleague Mr Nay Singh, took place on 31 March at Southwark police station. The meeting, which I was told was not recorded, but at which Mr Singh made extensive written notes, lasted approximately three hours.

During the meeting, I went into considerable detail regarding my experience of the region and its peoples, as well as my knowledge of ‘terrorism’ in Algeria and neighbouring countries, which I had been researching continuously since 20-03. I also explained why I thought that the attack on In Amenas was a ‘false-flag’ operation that had gone badly wrong and why I believed the Met and the British authorities were trying to effect a ‘cover-up’ of what actually happened at In Amenas, and, more pertinently, why.

My enduring impression of the meeting was that the Met never had any intention of following up on my allegations of a cover up or to examine the nature of the evidence I could offer. Rather, I was told that all the evidence I was outlining was unacceptable as it was simply 'hearsay', notwithstanding that it was based on fifty years detailed knowledge, observation and experience of the region and its peoples. This is an interesting judgment on 'the anthropological method' and also a complete contradiction to the government's own method of assessment of the attack, which was based almost entirely on hearsay from the most duplicitous and disingenuous of sources, namely the Algerian authorities themselves.

For example, there is no solid evidence to support the UK government's insistence that the attack was organised by MBM, other than that the Algerian authorities, who have proffered no evidence at all, said so. In fact, there is absolutely no evidence that MBM,

who, at the time of the attack, had been reported by the Algerian media as having been killed on eight occasions since he appeared on the scene in the mid-to-late 1990s, was even alive at the time of the attack. Now, at the time of publication of this report, the number of MBM's reported deaths has risen to at least 10.⁶⁷



MBM's alleged HQ in Oubari, Libya
Author's own

On asking what sort of evidence would be acceptable to the inquest court, the Met officers said they required third-party eye witnesses, whom they could interview, to everything I had said. Later, at the inquest, as detailed below, much of the evidence presented by the state's 'expert witnesses' on the

⁶⁷ At the time of the inquest, MBM's death had been reported eight times over the previous dozen or so years. A further series of reports appeared in the Algerian and French media during April 2015, saying that the Algerian, Niger and Malian intelligence services believed that he might have been killed by food poisoning some eight months ago, i.e. around mid-2014. In June 2015, he was reported killed in a US aerial attack on a location near Ajdabiya in Libya, although the Americans have admitted that they have no forensic confirmation of his death and most media reports, although presenting no evidence, assume he is still alive.

political and security situation in Algeria, which was clearly intended to disparage Article 3, was not only ‘hearsay’, based at best on secondary and even tertiary sources, but incorrect.

However, on the presumption that the witnesses I could offer were Algerians, DC Wixey said that the Met was prohibited by protocols from interviewing citizens of another country – in this case Algeria – without the permission of that country, which, in the case of Algeria, would certainly not be given.

**“The inquest is focused on the ‘who, when, where and how’ and not ‘why’”.
DC Wixey**

At the end of the meeting, DC Wixey asked if I could send him a summary of the evidence I could give to the inquest court. This was sent on 30 April (2014) and is replicated in full in Appendix II.

On 13 May, I received an email reply from DC Wixey saying that he had submitted my summary of our

31 March meeting to the Coroner’s office for them to review and decide what, if any, further action they wished the Police to take in relation to the information I had regarding Algeria. DC Wixey said the response from the Coroner’s office was “that they are of the view that they do not wish to take this matter further at this stage.” He concluded by pointing out that “the inquest is

focused on the ‘who, when, where and how’ and not ‘why’”.

In April 2014, a Senior Judge, Nicholas Hilliard QC, was appointed as an assistant coroner to the case.⁶⁸ He was later to take

over the inquest from Ms Schofield at the request of the Chief Coroner.⁶⁹ It would therefore appear that the decision “not to take the matter further” was made by HHJ Hilliard, presumably on the advice of both the government’s lawyers and the Met.

⁶⁸ On 6 January 2015, Hilliard was appointed as the recorder of London and the senior judge at the Old Bailey.

⁶⁹ The office of Chief Coroner was created by the Coroners and Justice Act 2009. The Chief Coroner is head of the coroner system, assuming overall responsibility and providing national leadership for coroners in England and Wales. The Chief Coroner at the time of the inquest was His Honour Judge Peter Thornton, who has been reappointed until 1 October 2016.

In other words, HMG had decided, through its control over the coroner's office, that this important body of evidence would not be submitted to the inquest. DC Wixey's email of 13 May made it clear that the inquest would restrict itself to the narrowest requirements of inquest law – namely the identification of who was killed, when they were killed, where they were killed and the cause of death. The inquest was clearly not going to seek any evidence as to 'why' the deceased were killed, contrary to what Ms Schofield had originally led the families of the deceased to believe.

The main reason why HMG was so determined to limit the nature of evidence submitted to the inquest was not simply because its security agencies worked closely with Algeria's DRS (at least prior to the In Amenas attack), nor because HMG has been very supportive of the Algerian regime since it took power in 1992, but because any evidence submitted to the court regarding Bouchneb's relationship with the DRS would inevitably reveal the existence and activities of

the Tamouret 'terrorist' training camp, one of the most closely guarded secrets of the global war on terror.

Further pre-inquest hearings were held on 20 May, 8 July and 2 September, with the inquest now scheduled to begin on 8 September in Room 73 of the Royal Courts of Justice in London. The first two hearings were largely concerned with 'technical' details about the

inquest, such as lists of witnesses, cartographic representation of the Tiguentourine gas plant site, digital imagery, etc.

The most significant aspect of the 20 May hearing was that at least one of the families

At least one of the families of the deceased expressed concern at the way the coroner was "narrowing things".

of the deceased expressed concern at the way the coroner (at this stage still Ms Schofield, but presumably under instruction) was "narrowing things". For example, the coroner was wanting to exclude the evidence of an American rigger, Brad McDaniel, who was on an outlier rig at the time of the attack and had some disturbing evidence relating to BP's actions before and

during the attack.⁷⁰ “This doesn’t fit,” the family member wrote, “with broadening the investigation [as we were promised in January]”.⁷¹

The families of the deceased and their legal representatives were surprised to learn at the pre-inquest hearing of 2 September that HMG was seeking a further postponement.

The 2 September meeting opened with the senior coroner, Penny Schofield, stating that she had sent a notice to the various legal representatives the preceding day in which she said she was intending to stand down following the request of the Chief Coroner, but as this would cause further delay she would listen to representations before making her decision.

Ms Schofield explained that she had been provided with an assistant coroner in April in the form of an extremely senior Judge, Nicholas

Hilliard QC, who had full security clearance to review documents classified as “sensitive material”. As she did not have such clearance, this effectively prohibited her from reviewing such documents. But, as two coroners cannot conduct a case, she had been requested by the Chief Coroner to stand down. Some of the solicitors representing interested parties had in fact predicted in May that Ms Schofield would be removed from the case and replaced by a more senior judge.⁷²

Mr Barr, the QC acting for HMG, explained that HMG had notified the senior coroner (Ms Schofield) in April that

HMG was in possession of documents, which he described as “being of an extremely sensitive nature, that could have implications for national security” and that this material could only be seen by a senior Judge with the required high level of security clearance. Hence the appointment of Judge Hilliard.



Judge Nicholas Hilliard
Judge Hilliard's office

⁷⁰ Brad McDaniel and a number of other Americans and/or their families have lodged legal suits against BP in US courts.

⁷¹ This information was sent to me in a personal communication from a relative of the family, who was present at the meeting with the coroner, but who wishes to remain anonymous.

⁷² Verbal communications between some of the solicitors and their clients, forwarded to me by the clients.

Mr Barr explained to the meeting that he wasn't permitted by law to say if HMG currently held such documents, but he said that if such documents did exist there was a statutory provision that only a Judge with such exceptional security clearance could see them. Mr Barr indicated that these documents would be reviewed by Judge Hilliard and if he deemed them relevant, HMG would apply for a Public Interest Immunity (PII) certificate to ensure that they would not be admitted as evidence.

Mr Barr remained elusive on the time issue, saying HMG could not start on the PII process until Judge Hilliard had decided on the relevancy of the material. He also said that Judge Hilliard might want to call for further searches. The overall process, said Mr Barr, could take months rather than weeks. When pushed on the implications this might have for the start of the inquest, Mr Barr indicated that this review process could take between 3-6 months, giving rise to concerns amongst the interested parties that HMG might be able to postpone the inquest until March 2015. There was even talk amongst the interested parties of the inquest being post-

poned until after the 2015 general election.

Ms Schofield said that she had no knowledge of what the "sensitive material" being held by HMG was. It was also the first time that the interested parties had been made aware of such documents, even though Mr Barr said the material had been with HMG since at least April 2014.

At this point, Neil Garnham QC, the barrister for some of the interested parties, said that he was opposed to this process and did not want a further adjournment. He said that the families had waited 20 months with no proper investigation and was appalled by the prospect of an adjournment. He added that such an adjournment would be unjustified and unlawful, suggesting that the removal of Ms Schofield as coroner was a serious error in law. He said that if HMG had material for which it wanted to claim PII, it should take it before a High Court Judge. He said that the process of claiming PII would make no difference whatsoever and was an exercise in futility. Any such delay would be lengthy, a waste of public funds and cause logistical havoc. He intimated that HMG had been

dilatory, an allegation denied by Mr Barr who said the HMG had, in fact, been proactive.

As for the ‘lawfulness’ of Ms Schofield’s replacement, Mr Barr submitted that it was preferable that the Judge who reads the “sensitive documents” should also conduct the inquest. He also stressed that this material was of exceptional sensitivity to national security.

After an adjournment, Ms Schofield told the hearing that she had three options: (1) to stay on as coroner and ignore the alleged “sensitive material”, or ask HMG if she could be security vetted to view it; (2) step down and let Judge Hilliard takeover, with all the delay that this would cause; (3) stay on for the moment and adjourn the main inquest for one week, thus giving time for the Chief Coroner to explain to the legal representatives how he had come to his decision. This would enable the various legal counsels to make representations to the Chief Coroner and challenge him directly on his decision.

On the following day, 3 September,

I received an email from one of the family members who wished to remain anonymous, saying:

“I know you will have heard about yesterday’s news by now. We are all devastated. How could they do this? Although it was predicted by you,⁷³ at this late hour I thought it would still go ahead. ... [We] had a discussion yesterday [and] all agree this was a false flag operation. I have thought this from the start, but this delay clarifies things for me.”

Three days later, on 5 September, the interested parties were notified that Ms Schofield had been replaced as coroner by assistant coroner Judge Hilliard, with the inquest re-scheduled to commence at 10.0 am on Monday 15 September 2014.

Interested parties believed this sudden burst of alacrity was the result of a 16-page submission made by Neil Garnham to the Chief Coroner with a copy sent to the Lord Chief Justice.⁷⁴

⁷³ This is a reference to the ISCI Article 3.

⁷⁴ Details on the length and contents of the submission were given to me by “interested parties” (members of families of deceased).



PART III

THE INQUESTS AND
ITS FINDINGS

PART III

The Inquest and its findings

Note of Clarification

This note serves to clarify any confusion over who was the 'coroner', 'senior coroner' and 'assistant coroner'.

Penelope Schofield is the senior coroner for West Sussex. As the remains of the deceased were flown into Gatwick airport, in West Sussex, she automatically became the coroner in charge of their inquest. Although the inquest hearings were actually held in the Royal Courts of Justice in London, and then at the Old Bailey for the verdict, the inquest was organised and officially held under the jurisdiction of West Sussex's coroner's office.

However, as Ms Schofield did not have 'security clearance', a senior Judge, Nicholas Hilliard QC, who had the required security clearance, was

appointed as her assistant. He was therefore officially designated as the 'assistant coroner'. However, as a result of the controversial circumstances described above, Ms Schofield stepped aside so that Judge Hilliard could handle the inquest.

Therefore, the actual inquest was heard throughout by the 'assistant coroner', Judge Hilliard, although Ms Schofield remained the coroner, or, as she was sometimes referred to, the 'senior coroner', but without playing any further active role in the inquest.

The office of Chief Coroner, (as explained in footnote 72) was created by the Coroners and Justice Act 2009. The Chief Coroner is head of the coroner system, assuming overall responsibility and providing national leadership for coroners in England and Wales. The Chief Coroner at the time of the inquest was His Honour Judge Peter Thornton.

There were 'off-the-record' suggestions after the initial pre-inquest hearing by some of the lawyers representing interested parties that Ms Schofield might be replaced for the inquest itself because of her relative lack of experience.

Questions remain as to whether her indication to the families of the deceased at the pre-inquest hearing that she "would leave no stone unturned" worried HMG and led to her being replaced.

The inquest finally began on 15 September 2014. The factual findings of Judge Hilliard, in the matter of the inquests into the deaths of Garry Barlow, Carson Bilsland, Stephen Green, Sebastian John, Paul Morgan, Carlos Estrada Valencia and Kenneth Whiteside

were delivered in The Old Bailey (Court Number 1) on 26 February 2015, just over two years and one month after their deaths.

Between 15 September and 7 January, the court sat for 30 days, during which over 70 witnesses gave evidence.⁷⁵

The list of witnesses, hearing dates and the complete transcripts of all hearings, with the exception of the deliberations over the Public Interest Immunity (PII) Certificate, can be accessed through the West Sussex Coroner's website.

The hearings' transcripts come to 5,147 pages (excluding indices). As they can be accessed online, little or no comment is made on them here, with the exception of comments on

⁷⁵ Hearing transcripts actually covered 27 days. Accessed at: <https://www.westsussex.gov.uk/births-marriages-and-deaths/deaths/in-amenas-inquest-hearing-transcripts/> There would appear to be a transcription error in that

day 27 reads as day 28. The remaining 2-3 days of court sittings involved court hearings, such as those relating to the PII certificate, at which no witnesses gave evidence.

one of the state's 'expert' witnesses (III.2.ii.) and the following general observations:

III.1. General observations on Tiguentourine and the inquest

- i) Inadequate security of the Tiguentourine complex
- ii) Lack of communication and cooperation from the Algerian authorities
- iii) Western subservience in a not very 'joint' venture
- iv) Questions over the choice of internal security arrangements
- v) Questions over the JV's relationship with BAAT SARL
- vi) No reference as to why In Amenas was attacked – or 'by whom', other than 'terrorists'

vii) Britain's appeasement of the Algerian authorities

viii) The contradictory usage of the Algerian press

ix) The reliance on hearsay

III.1.i. The inadequate security of the Tiguentourine complex

The totally inadequate state of security at the Tiguentourine site was evidenced by the ease with which the 'terrorists' entered and took over the complex. This observation applies to both the external arrangements, as summarised by Judge Hilliard in his Fact Findings⁷⁶ and the internal arrangements as testified by many of the witness statements and most especially the references by multiple witnesses to the decision of Paul Morgan, the Operations Liaison Supervisor (OLS – respo-

⁷⁶ Fact Findings (FF), paragraphs 288-295 and subsequent.

nsible for security), to terminate his employment at the complex because “he had lost control of security at the site.”⁷⁷

There were constant references from witnesses, mostly BP employees, but also as documented by Statoil in its much earlier internal company report, that “the security measures, plans and procedures put in place by the JV (Joint Venture) were not designed to protect against a direct armed assault”⁷⁸ as occurred at Tiguentourine.

This is testimony to the complete failure of both intelligence and security on the part of both the Algerian security forces and the JV, and even, it may be suggested, the absence of ‘common sense’, since the ‘terrorist’ group that attacked Tiguentourine was characteristic in terms of composition (number of vehicles, fighters and weaponry) of

the armed units (including drug traffickers) that had been operating throughout much of this part of the Sahara since at least the overthrow of Libya’s Colonel Qadhafi in 2011. For example, the fighting units operating in northern Mali throughout most of the preceding year often comprised one or two dozen fighters, some half dozen all-terrain vehicles and an assortment of weaponry usually comprising mounted light and heavy machine guns, RPGs and rocket launchers, AK47s, smaller arms, mines and other such explosives.

III.1.ii. Lack of communication and cooperation from the Algerian authorities

The entire hearing is laced with evidence testifying to the minimal amount of communication with Algerian officials, especially at the security level, both before, during, and after the attack, and the complete lack of cooperation by the

⁷⁷ FF paragraph 287.

⁷⁸ FF paragraph 290.

Algerian authorities with the French, British and other foreign authorities during and after the attack. While this is not untypical of Algeria's behaviour, it might be deemed surprising in view of the fact that Algeria has ostensibly been in the forefront of those countries clamoring in the UN and other international fora for international action against 'terrorism'.

However, this is not so surprising in the light of the research findings detailed in PART IV and recent writings on the nature of terrorism in Algeria and the surroundings regions,⁷⁹ as well as the allegations made by former US intelligence officer John Schindler, who knew how Algeria's intelligence services had infiltrated and orchestrated 'terrorist' groups and networks over the years.⁸⁰

III.1.iii. Western subservience in a not very 'joint' venture

The In Amenas gas facility at Tiguentourine started production in 2006 and is operated by three companies in a production-sharing contract known as the "In Amenas Gas Project Joint Venture", or JV. The partners in the JV are Sonatrach, the Algerian state-owned oil company, which holds a 51% share, Statoil (Norwegian) and BP, which hold the remaining shares equally between them. The operation of the JV is overseen by a supervisory body known as the "Conseil de Gestion" (CdG), made up of senior representatives of each parent company.

The strong impression given at the inquest hearings is that it was difficult to ascertain who really made the decisions within the JV. Although the coroner's office went

⁷⁹ See especially Keenan, J. *The Dying Sahara* (2013).

⁸⁰ Schindler, op. cit. (notes 16 and 17).

to considerable lengths to produce management flow charts and diagrams of the JV management structure, there was a clearly subservient attitude from both foreign companies towards Sonatrach. The

impression was also given by some witnesses that they were trying to shift responsibility from their own company onto Sonatrach. More important, however, was not only the sense of 'buck passing' by BP and Statoil

oil onto Sonatrach over certain decisions that affected security, but that neither BP nor Statoil seemed willing to stand up to Sonatrach and the Algerian authorities in general. Indeed, this seemingly obsequious attitude by the two other JV partners towards Sonatrach was mirrored in the attitude of foreign governments towards Algeria. It has been apparent since the current

Algerian regime seized power in 1992 that western governments have been reluctant to stand up to and challenge the Algerian government.

It has been apparent since the current Algerian regime seized power in 1992 that western governments have been reluctant to stand up to and challenge the Algerian government.

Three reasons for this are:

- a) The dependency of the West on Algeria for hydrocarbons;
- b) The US, UK and French all gave their acquiescence to the Algerian regime in 1992 to undertake an effective military co-

up d'état by annulling the elections that would have brought to power the first democratically elected Islamist government in the world. The same countries have also colluded with the Algerian regime by giving it the 'green light' to conduct the 'dirty war' of the 1990s in the way that it did; and c) The post-2002 counter-terrorism alliance between Algeria and some Western

countries, notably the US, UK and France, has involved further complicity between these countries and Algeria's DRS in a number of questionable counter-terrorism operations.

III.1.iv Questions over the choice of internal security arrangements

A fundamental and central question over the Tiguentourine gas facility site's internal security was never resolved satisfactorily by the inquest, possibly because none of the lawyers concerned had been sufficiently well briefed on the nature of the Algerian regime. This key question concerned the change in 2012, some six months prior to the terrorist attack, in the complex's internal security arrangements.

Prior to July 2012, internal security within the site perimeter was wholly the responsibility of the JV. Until that date, as Judge Hilliard noted: "all security matters had been managed through the AFMC (Algerian Facilities Management Company) ⁸¹ Liaison Department, employing both national and expatriate staff. The Liaison Team members trained and managed the civilian guards and were the link between the JV management and the Algerian security forces in support of all project requirements."⁸²

However, in July 2012, the internal security arrangements and procedures were changed. In Judge

⁸¹ AFMC is a wholly-owned subsidiary of the RedMed Group, a logistics company providing services, including security, to the hydrocarbons sector. RedMed is owned, privately by the Algerian Fechkeur family. Its founder and president is Mohamed Fechkeur. RedMed clients have included BP, Total, Cepsa, AmeradaHess, BHP, Repsol, Petronas, ExxonMobil, Bechtel and others.

⁸² Judge Hilliard's Fact Findings, paragraph 50. Accessed at: <https://www.westsussex.gov.uk/births-marriages-and-deaths/deaths/in-amenas-inquest-hearing-transcripts/>

Hilliard's words: "In 2012, a unilateral decision was made by Sonatrach, as majority shareholder, that security would become the responsibility of a wholly Algerian internal security team who were to be employed by an Algerian company known as SSI (*Service Sécurité Interne*). From July 2012, SSI became responsible for employing and managing the civilian guards, the base security and access control."⁸³

With SSI playing such a central role at In Amenas from July 2012 onwards, questions still remain as to why the inquest court did not demand more searching information from the JV partners, namely BP and Statoil, with regard to the specific nature of the ownership, management and finances of SSI. At the end of the inquest, it seems that no one was any the wiser as to the identity and

finances of the SSI's principals, the nature of SSI's In Amenas contract (i.e. open tender, bribes, etc.) and the familial, clan and/or other connections, if any, of SSI's principals to Sonatrach officials, the DRS and other elements of the regime. In short, did BP and/or Statoil insist, as JV partners, that due diligence be done on SSI before it took over the internal security at In Amenas?

It is a matter of speculation as to whether or not the terrorist attack of January 2013 might not have taken place, or might have had a different outcome, if internal security had not been handed over to SSI. However, two points should be made.

The first is that many of the site's internal security problems and issues, culminating in Paul Morgan's decision to leave his post on the grounds that he no longer had

⁸³ Ibid, paragraph 51.

control over security, seemed to have stemmed from or been associated with the transfer of security to SSI.

The second point involves two related questions. The first is whether BP and/or Statoil ever challenged Sonatrach's unilateral decision to hand over internal security to an Alger-ian company that clea-rly had many short-comings. The second is whether BP and/or Statoil carried out due diligence on SSI.

The first of these two questions concerns the nature of the JV contract between Sonatrach and its two foreign partners. In short, what was 'joint' about a contract that seems to have left such an important matter as the decision of who will provide the internal security entirely in the hands of one partner, namely Sonatrach? From what little

that was revealed in court, there seems to have been nothing very 'joint' about this key aspect of the partnership.

As for the question of due diligence, nothing was revealed at the inquest that suggested that any such due diligence into SSI had been

undertaken by BP and/or Statoil. If the JV agreement between the three partners had concluded that Sonatrach would have exclusive control over the determination and

appointment of the site's internal security, it has to be asked why such two hugely experienced inter-national companies would permit their security to lie outside their control.

Algeria suffers an exceptionally high level of endemic corruption. It would therefore seem imperative that any local company or org-anisation brought into a project

**Algeria
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such as Tiguentourine would be subject to rigorous due diligence. Given Sonatrach's own notorious reputation for corruption, as was evidenced in the politically shocking corruption scandals that came to light from late 2009 onwards, it would seem obvious that BP and Statoil would undertake rigorous due diligence on any sub-contractor or Sonatrach subsidiary brought into the Tiguentourine operation on the sole say-so of Sonatrach. Indeed, at the time that SSI was appointed, it was a matter of common knowledge that Sonatrach was at the centre of at least two massive corruption scandals.⁸⁴

The fact that such due diligence into SSI does not appear to have been

undertaken has extremely important ramifications, which were hardly explored by the inquest. The issue, quite simply, is that Algeria's high level of endemic corruption is not confined to political and financial fields, but extends to the field of 'security'. Most private security companies in Algeria are closely linked to members of the regime, notably former army and/or DRS Generals, or their families. Security contracts involving these companies rarely comply with the highest international standards of tendering and due diligence.

Similar questions over certain aspects of the JV's procurement of certain security installations were left unanswered, or not even raised,

⁸⁴ Revelations that Sonatrach officials, including the Energy Minister Chakib Khelil, had been involved in taking bribes for Sonatrach contracts first came to light in late 2009. One sham trial was held in Algiers in early 2016 in which many senior state officials named as being involved in the corruption were not called to give evidence. The major Sonatrach corruption case, involving 198 million euros of bribes

and centering on Chakib Khelil, is still awaiting rulings from the Milan court, but is being currently (2016) covered up by the Algerian government. In the meantime, several further allegations of corruption involving the allocation of Sonatrach contacts to international companies are being investigated by international authorities.

at the inquest. For example, one of the companies charged in the first of the Sonatrach corruption trials, known as 'Sonatrach 1' is the German Group Contel Funkwerk Plettac. The company was awarded five contracts by Sonatrach for the provision of monitoring equipment and electronic protection services worth more than €110 million, allegedly in exchange for the transfer of shares to the two children of Sonatrach's former CEO Mohamed Meziane, as well as other gifts. One of Funkwerk Plettac's contracts is alleged to have been related to the provision and installation of security surveillance equipment at the Tiguentourine gas facility at In Amenas.

The fact that Contel Funkwerk Plettac was found guilty of the above corruption charges in an Algiers court on 2 February 2016⁸⁵

and received heavy fines and prison sentences merely underlines the question of why such a corrupt contract was not picked up by BP's and Statoil's respective procurement departments, particularly as Contel Funkwerk Plettac was not widely known for providing such equipment to the hydrocarbons sector in North Africa. Or, as with SSI, was it another case of the JV partners following Sonatrach's orders?

III.1.v Questions over the JV's relationship with BAAT SARL

Similar questions also surround how and why the JV contracted BAAT (Bureau d'Assistance Administrative & Technique) SARL, the Ouargla-Hassi Messaoud-based transport service company. During the course of the inquest, many of the expatriate staff expressed their suspicion that the terrorists could

⁸⁵ "Jail terms, fines in Algeria's Sonatrach graft case", AFP. 2 February 2016. Accessed at:

<http://www.yahoo.com/news/jail-terms-fines-algerias-sonatrach-graft-case-210153078.html?ref=gs>

not have had such good knowledge of the layout of the plant, such as electrical switches, without some degree of inside assistance. Many suspected that the local drivers, who had been on strike for varying periods prior to the terrorist attack, may have been the source of this presumed inside knowledge. However, although no firm evidence was provided during the inquest to show that the drivers' strike was directly linked to the attack, there is some reason to believe that there may have been connections between BAAT SARL's employees who visited and serviced the plant and the terrorists who launched the 16 January attack.

Many expatriate staff expressed their suspicion that the terrorists could not have had such a good knowledge of the layout of the plant, such as electrical switches, without some degree of inside assistance.

The basis of this connection was spelt out very clearly in a long article published in the Algerian daily newspaper *Liberté* on 19 January 2013, the day on which the siege ended. The article, entitled

“Révélations sur une attaque terroriste” (Revelations about a terrorist attack), was written by Mounir B, whose proper name is Boudjemaa.⁸⁶

Boudjemaa, who is closely associated with the DRS, to the extent of being one of their main propag-

anda agents,⁸⁷ claimed that BP and Statoil had had a contract for some three years with an Ouargla-registered transport service company, owned by Ghediri Abdelhamid

⁸⁶ Mounir B., “Révélations sur une attaque terroriste”. *Liberté*, Saturday, 19 January 2013. Accessed at: <http://www.liberte-algerie.com/actualite/revelations-sur-une-attaque-terroriste-in-amenas-192758>

⁸⁷ Moreover, the article could not have been published without the approval of the DRS.

(Abdelhamid Ghadir). Boudjemaa did not mention the specific name of the company in the article, but it is known that Ghadir's company was BAAT SARL.

More importantly, the owner of BAAT SARL, Abdelhamid Ghadir, according to Boudjemaa, was the brother of Abdelhamid Abou Zaïd, the head of AQIM in the Sahara region. Boudjemaa also claimed that the two brothers' names were confused, saying that Abou Zaïd's real name was Mohamed Ghadir. In fact, research into this confusion, undertaken before the In Amenas attack, revealed that the confusion was a deliberate ploy by the DRS, and that the AQIM leader was Abdelhamid Abou Zaïd and that the proper name of his brother, the owner of BAAT SARL, was Mohamed Ghadir.⁸⁸

According to Boudjemaa, Abou Zaïd insisted that his brother (Mohamed Ghadir) employ his (Abou Zaïd's) men, which may explain how the terrorists came to have such detailed knowledge of the plant. In short, Boudjemaa was effectively stating that the plant had been infiltrated by AQIM terrorists.

Boudjemaa's article was open source information. However, although general reference was made to it during the course of the inquest, neither the coroner's counsel nor any of the legal teams representing the families of the deceased questioned BP on the subject. In particular, why was BP not asked to clarify Boudjemaa's own question, which was that if BP was warned on several occasions by the Algerian authorities of the Ghadir family relationship to the AQIM terrorist leader Abou Zaïd, why did neither BP, its HSE (Health & Safety

⁸⁸ Keenan, J., *The Dying Sahara*, 2013, pp. 223-24.

Executive) staff in London, nor MI6 do anything about it?

In fact, there are a number of other equally serious outstanding questions stemming from Boudjemaa's article, which were also not raised at the inquest. For instance, while Boudjemaa asked rhetorically whether MI6 and BP's HSE knew of this terrorist connection, it must be asked why the same question was not put to BP at the inquest. Indeed, the obvious question, as with the case of SSI, was whether BP, which also employed BAAT SARL at its In Salah gas operation, ever did full due diligence on the company, or did it merely contract BAAT SARL on the orders or recommendation of Sonatrach? If it had done so, it could not have failed to discover the relationship between the Ghadir family and Abou Zaïd.

Boudjemaa's question concerning MI6's knowledge of the relationship between BAAT SARL and Abou Zaïd is more problematic. This is because Abou Zaïd, as explained in Section I. 1., was not merely a DRS agent but also a key figure in what US intelligence officer John Schindler described in July 2012 as the "creation of DRS-run 'terrorist' groups."⁸⁹

The UK government was almost certainly fully aware of Abou Zaïd's relationship with the DRS, not only because of his murder of a British citizen, Edwin Dyer, in 2009,⁹⁰ but also because of MI6's close working relationship with the Algerian regime and its DRS. All this information could be accessed through open sources.⁹¹

⁸⁹ John R. Schindler, 'The Ugly Truth about Algeria'. *The National Interest*, 10 July, 2012. Accessed at: <http://nationalinterest.org/commentary/the-ugly-truth-about-algeria-7146>

⁹⁰ Keenan, J., Chapter 11 "Perfidious Albion: the Murder of Edwin Dyer", in *The Dark Sahara*, 2013, pp. 149-158.

⁹¹ The most comprehensive source is *The Dying Sahara* (2013). Approximately 250 of

The problem for MI6 and HMG is that Abou Zaïd was responsible to the DRS for the running of the Tamouret terrorist training camp described above (Section I. 3.). It is therefore most unlikely that MI6 and HMG would have welcomed questions about the relationship between BAAT SARL and Abou Zaïd being raised at the inquest, as they would almost certainly have lead to further questions being raised, perhaps unwittingly, about the involvement of the DRS in terrorist operations and the existence of Tamouret.

The final question is whether BP and/or Statoil knew of Abou Zaïd's relationship with the DRS. Both companies were fully aware of the open source information on this relationship, as noted in the previous paragraph. Whether BP was also made aware of the

relationship between Abou Zaïd and the DRS through its connections with MI6 is a question that was not raised at the inquest. If the question had been raised, and if the answer had been 'yes', then it might explain why BP was happy to continue with the BAAT SARL contract, as well as its fairly relaxed attitude towards security at the Tiguentourine site.

III.1.vi. No reference as to why In Amenas was attacked – or 'by whom', other than 'terrorists'

The duty of the coroner, under section 10 of the Coroners and Justice Act 2009, in Judge Hilliard's own words is, "to record the particulars required for the registration of the deaths and, in respect of each man, to come to a determination as to the statutory questions under s.5[1][a] and [b] of the Act. In other words, I must

my academic papers, chapters and articles on terrorism in the Sahara are to be made available in an open access Archive to be

hosted from later in 2016 on the ISCI website (www.statecrime.org).

record who each of the seven victims was and how, when and where each of them came by his death.”⁹²

True to the word of the coroner’s office and the Metropolitan Police, the inquest made no attempt to ascertain who the terrorists were or why they undertook the attack. That is in accordance with the Coroners and Justice Act 2009, which

does not require the coroner to ask the question ‘why’.

Judge Hilliard did, however, say that the Senior Coroner had divided the inquest into two parts, the first of which was “To determine the chain of events that occurred leading up to, and during, the In Amenas terror attack and, in

particular, the events that led to the deaths of the seven men.”⁹³

However, while the inquests did record in commendable detail the events “during” the terror attack that led to the deaths of the seven

men, scarcely any effort was made to try and ascertain “the chain of events that occurred leading up to” the attack, except for events within the site, such as the

drivers’ strike. The result is that while events within the complex were investigated at some depth, in spite of the lack of cooperation from Algeria, little effort was made to investigate what took place outside the complex, notably the question(s) of the motives for the attack, the nature of ‘terrorism’ within and around Algeria and alternative

Scarcely any effort was made to try and ascertain “the chain of events that occurred leading up to” the attack.

⁹² Judge Hilliard’s Fact Findings, paragraph 7. Accessed at: [https://www.westsussex.gov.uk/births-](https://www.westsussex.gov.uk/births-marriages-and-deaths/deaths/in-amenas-inquest-hearing-transcripts/)

[marriages-and-deaths/deaths/in-amenas-inquest-hearing-transcripts/](https://www.westsussex.gov.uk/births-marriages-and-deaths/deaths/in-amenas-inquest-hearing-transcripts/)

⁹³ Ibid, paragraph 8.

possible explanations as to who might have been involved in the organisation of the terrorists and the attack. As the report details later, HMG and the coroner's office appear to have accepted uncritically the 'hearsay' and unproven statements of the Algerian authorities and the Algerian press that the attack was organised by Mokhtar ben Mokhtar.

Throughout the inquest, little or no attempt (except for a seemingly contradictory reference by the Judge to the Algerian media in his Findings, addressed below) has been made to identify the 'terrorists', what might be known about them or what their motives for conducting the attack might be. As for motive, little was said during the course of the hearings other than unsubstantiated links to events in Mali, with occasional references to the terrorists' targeting of Western and Algerian assets and interests in both Algeria and the wider region.

Even though such lines of enquiry fall outside the requirements of the Coroners and Justice Act 2009, the failure of the inquest to address them was its major shortcoming. Two reasons for this shortcoming can be postulated:

One is that Algeria, in spite of its lip service to being at the forefront of the global fight against terrorism, refused to cooperate in the investigation, thus making it almost impossible for HMG and the coroner's office to take such questions much further.

The second is that any detailed investigation into 'terrorism' in the Algerian Sahara and neighbouring regions, which could have been achieved by commissioned, independent research, would have raised questions regarding the relationship between terrorist groups and the DRS and the relationship between the DRS and Western

intelligence services, which would not have been welcomed by HMG.

The result, as far as the inquest is concerned, is that the wider context in which the attack took place remained a void.

III.1.vii. Britain's appeasement of the Algerian authorities

The inquest hearings were marked, at least on the part of several senior BP and British government witnesses, by an apparent note of ignorance about Algerian security and 'terrorism' issues and obsequiousness towards the Algerian authorities.

As mentioned earlier, it has been apparent since the current Algerian regime seized power in 1992 that western governments are reluctant to stand up to and challenge the Algerian government.

Evidence given by both members of

the Foreign and Commonwealth Office (FCO), namely Sir Martyn Roper, the British Ambassador at the time of the attack, and Mr Laurie Bristow, Director of National Security at the FCO, as well as some senior BP officials, appeared to show such a lack of knowledge of the contemporary 'terrorist' situation in Algeria that one was left wondering if their primary interest, like British government policy as a whole, was to appease Algeria.

Throughout the inquest, evidence (such as that led by the FCO) was that Algeria had a firm reputation of not negotiating with 'terrorists', especially in regard to the payment of ransoms or granting concessions. In fact, the truth, which the FCO is aware of, could not be more different.

Two examples stand out. On 1 January 2011 the Algerian-flagged M/V Blida, 17 of whose crew of 25 were Algerians, was taken hostage

by pirates about 130 miles southeast of the Port of Salalah, Oman on its way to Dar es Salaam. The MV Blida was managed by Greece-based Sekur Holdings Inc., while her registered owner was International Bulk Carriers of Algeria, a subsidiary of the Algerian National Navigation Company. The release of the ship and crew was confirmed 10 months later on 3 November 2011. Although Algeria denies that a ransom was paid, international sources and media confirmed that a ransom of between \$2 and \$3.5 million was paid for the safe return of the Algerian seamen.

The second example was the case of the 15 European tourists taken captive and held hostage in the Tamelrik region of Illizi province, not far from Tamouret, by Algerian GSPC terrorists in 2003.⁹⁴ The hostages, accompanied by approximately 60 of their captors, were

given safe passage by the Algerian security forces (i.e. the DRS) through southern Algerian to Mali, where they were released for the payment of a ransom. The main ransom negotiator, notably Iyad ag Ghali, was closely associated with Algeria's DRS.



Algerian-Libya border area, Illizi
Author's own

III.1.viii. The contradictory usage of the Algerian press

The Algerian press came in for extraordinary treatment. At one moment it was being treated as a key source of information; the next as wholly unreliable. For the most part, however, BP and British

⁹⁴ For details of the operation, see Keenan, J., *The Dark Sahara*, 2009. For details of US

complicity and subsequent operations, see Keenan J., *The Dying Sahara* (Pluto 2013)

government witnesses, notably the Ambassador, found the unreliability explanation as the more convenient in explaining their various assessments of the security threats to the In Amenas facility.

For example, the Ambassador's precise words, when asked how the Embassy responded to Algerian press reports, said:

"We were aware that there were elements within the Algerian administration that were using the press for their own benefit" (British Ambassador)

"The first point to make about press reports in Algeria is that we have to be very sceptical about any press reports in Algeria, and this was based on our own contacts in the Algerian government, and outside the Algerian government, telling us to be extremely careful of any reports in the Algerian press.

"We would check them. If there were reports which we were extremely concerned about we would check them

with our own contacts, with other contacts that we had made but the starting point was to be extremely sceptical because often newspaper reports

were inaccurate and the Algerian government told us many times not to believe a specific article. We were aware that there were elements within the Algerian administration that were using the press for their own benefit, their own ends, and the timing of articles appearing in the press was also at times highly questionable.

“So we were very wary of any articles and it certainly wouldn't be advisable to be basing policy on anything which appeared in the Algerian press.”⁹⁵

The key assertion in the Ambassador's statement is that elements within the Algerian administration used the press for their own benefit. That is true. But, it means that readers who know this need to be able to interpret such passages or articles rather than dismiss them as inaccurate. A key example of this is the *El Khabar* article of 12 November 2012 (see below), which could and perhaps should have been interpreted as a warning from the DRS of a possible attack. This key article was ignored by the Embassy and the FCO.

This report raises important questions about why HMG requested and obtained a Public Interest Immunity (PII) Certificate (see below). As explained further on, it does not believe that the PII certificate was sought for any matter of “national security”, as claimed, but to cover up at least three possible shortcomings by HMG, one of which was its own failing to assess and respond to the 12 November and/or other related press or intelligence information.

Yet, in spite of this forthright testimony from the Ambassador, Judge Hilliard, in his Factual Findings, relied almost exclusively on Algerian press reports, especially those of *El Watan* and *Ennahar*, in his identification of the terrorists.

⁹⁵ Testimony of Mr Martyn Roper, Inquest Hearings, Day 27 (marked on pages as Day 28), page 9, lines 3-22. Accessed at: [https://www.westsussex.gov.uk/births-](https://www.westsussex.gov.uk/births-marriages-and-deaths/deaths/in-amenas-inquest-hearing-transcripts/)

[marriages-and-deaths/deaths/in-amenas-inquest-hearing-transcripts/](https://www.westsussex.gov.uk/births-marriages-and-deaths/deaths/in-amenas-inquest-hearing-transcripts/)

His specific words were:⁹⁶

Para 202. “I turn to the information publicly available about the terrorists and their motives. This comes mainly from three sources: the Algerian Prime Minister’s press conference on 21st January 2013; media reports including, in particular, the Algerian publications *El Watan* and *Ennahar*; and the perpetrators themselves in statements they made to individuals and media organisations during the course of the hostage-taking.”

Para 203. “On the 21st January 2013, in an online video message posted on Sahara Media’s website, responsibility for the In Amenas

attack was claimed by Mokhtar Belmokhtar, a known Islamic terrorist. That the attack was organized by Belmokhtar was corroborated by telephone calls made during the attack in which Shedad, an English-speaking terrorist, referred to their leader in northern Mali as Khalid Al-Abass. This was a known alias for Belmokhtar.”

Para 205. “In a public statement in December 2012, Belmokhtar announced that he had split from AQIM....”

⁹⁶<https://www.westsussex.gov.uk/births-marriages-and-deaths/deaths/in-amenas-inquest-hearing-transcripts/>

Para 208. “The Algerian media have identified the terrorist group as including ...” (There then follows a list of 23 names.)



Mokhtar ben Mokhtar
L'agence de presse mauritanienne AMI

Para 209. “In addition to Ben Cheneb (Bouchneb), three other terrorists from Algeria who are said to have been members of the group were named in one press report as” (There then follows a list of 3 names.)

Para 215. “.... The Algerian authorities arrested three other attackers who remain in custody in Algeria, facing terrorism and homicide

charges. The men in custody have been named by *El Watan* as (three names follow). The same publication also claims that a fourth, un-named, man was arrested in connection with



Prime Minister Abdelmalek
Sellal
Rama, CC 2.0

the attack at a later stage.”

To comment on these particular paragraphs in turn:

Para 202. Given that the attack was the outcome either of a colossal security failure on the part of Algeria,

or complicity by elements within its DRS, the comments made by Prime Minister Sellal carry little or no credibility.

Para 202. Why rely so heavily on the Algerian media, when none other than the British Ambassador told the court that it cannot be relied upon? As for *El Watan*, why rely so heavily on the *El Watan* report when *El Watan* published an “alternative report” (see above) on 10 January 2014, which said that seven, not three, terrorists were captured?

Para 203. The *Sahara Media* website has long been suspected of being infiltrated by intelligence services, and is thus highly unreliable.

Para 203. Whether Mokhtar ben Mokhtar (MBM) was dead or alive at the time of the In Amenas attack has not been proven one way or the other beyond reasonable doubt. Other ‘open sources’ (not used by the court), published by the author, have stated on frequent occasions that there is no firm evidence that MBM was alive after his reported death in Mali in May 2012. Moreover, even if he was still alive, the telephone calls of Shedad (a Canadian, recently arrived on the scene, with probably little understanding or knowledge of the intrigues of terrorist group infiltration and counter-terrorism operations in the Sahara) is hearsay and not corroborative proof that

MBM either organised the attack or was alive.



Acacus Mts., Libya - MBM's alleged
'terrorist' hideout
Author's own

Para 205. There are doubts as to the authenticity of MBM's December 2012 announcement.

Paras 208, 209 and 215. The same media source (*El Watan*) published an "alternative report", and therefore lacks credibility.

Finally, it should be noted that a considerable number of 'publicly available' sources were available to the coroner's office and police, but either ignored, or deemed irrelevant or 'inappropriate'.⁹⁷

III.1.ix. Reliance on hearsay

Having been told repeatedly by the Metropolitan Police that the evidence offered by the author was "all hearsay" and therefore not admissible to the inquest, an overriding feature of the inquest hearings was the extent to which much of the evidence requested or selected for submission by the coroner's office and police was, in fact, little more than hearsay. This applied to both the government's acceptance of statements and information deriving from Algerian

⁹⁷ I refer to the series of ISCI articles mentioned at the beginning of this article, my own approximately 200-250 research-based academic and media publications on terrorism in the Sahara, the

publications of former US intelligence officer John Schindler, as well as a substantial body of French-language articles.

government sources. On matters of security and terrorism, these have a long record of duplicity and disingenuity, as well as testimony on the Algerian political and security situation given by the government's own chosen 'expert witnesses', notably Dr Claire Spencer, whose evidence is dealt with in more detail below.

An overriding feature of the inquest was the extent to which much of the evidence was, in fact, little more than hearsay.

that my broad-ranging evidence on the security situation in Algeria was inadmissible to the inquest court as it was allegedly based on 'hearsay'.

It was therefore surprising to learn from members of the deceased's families ('interested parties') on the opening day of the inquest that Article 3, *The In*

III.2. How the inquest excluded key evidence

A key feature of the inquest process (managed by HMG through the Metropolitan police and counter-terrorism services), was how it managed to exclude the submission both before and during the hearing of key evidence.

III.2.i. How key eyewitnesses were excluded

As Section II.3 explained, the Metropolitan Police had told me

Amenas 'cover up', was included in the Bundle ('The Bundle') of evidence submitted to the court. However, as the article had been written in October 2013, almost exactly one year before the opening of the inquest, it was 'out of date' in so far as it did not include the events (outlined above) that had taken place in the year preceding the inquest. Moreover, written statements from two 'expert' witnesses, namely Dr Claire Spencer and Mr Wolfgang Lacher, neither of whom, as explained

further on, would be deemed by the author as 'experts', were also included in 'The Bundle', presumably in an attempt to rebut Article 3.

Requests to the Counsel to the Inquest, Bridget Dolan, as to whether I could have copies of these submissions and also be called to give evidence were refused. The reason for the second request was so that I could be cross-examined on the methodology (i.e. alleged 'hearsay') of Article 3, as well as having the opportunity, for the benefit of the court, of bringing it up to date.

Then, in the evening of Friday 3 October, at the end of the third week of the inquest hearings, I received an email from the Coroners Officer. It read as follows:

Dear Professor Keenan,

Judge Hilliard has asked me to invite you to discuss whether you are in a position to provide relevant evidence to this inquest. He is not in a position to discuss that directly with you, but he has asked Ashley Underwood and me to meet you if you are willing. Mr Underwood, as you may know, is looking at sensitive government materials on the Judge's behalf.

The proposal is that we meet as soon as possible; that anything you tell us will be confidential to us and to the Judge; that if the Judge believes that anything you tell us should be passed-on to anyone else that will not happen unless either you consent or a summons is issued under the Coroners and Justice Act; and that if the discussion does give rise to any relevant information Mr Underwood and I will draft a witness

statement for your consideration.

If you are willing to meet us I would be very grateful if you could let me know when would be convenient for you. The Judge is keen for the meeting to take place early next week if at all possible. Mr Underwood and I will be happy to travel to SOAS, or we could arrange for a room at the Royal Courts of Justice or Gray's Inn, whichever would be most convenient for you.

Kind Regards

Geoff

Geoff Charnock

Coroners Officer

In my reply, emailed later that evening, I wrote:⁹⁸

Dear Geoff (if I may),

I am, as you might imagine, very surprised to receive your request in the light of having spent much of the time since the incident offering help/advice to some of the interested parties regarding the security etc. of the region. I have, as you are probably aware, also approached the Coroner (Penelope Schofield) and the Met with the 'request' that I give evidence to the inquest. But, to no avail, being told that the Court is not pursuing the issue of 'why'.

You are also probably aware that I have published my belief that the inquest will be a 'cover up' (not necessarily by the Coroner (or now Judge), but by HMG and the Algerian authorities, although, of course,

⁹⁸ This is only the partial text of the email. Paragraphs relating to scheduling a

meeting and my travel arrangements to London have been deleted as irrelevant.

I would be delighted if I had reason to change that view.

Also, as you probably know, I am a social anthropologist and am ethically bound by the subject's professional code of conduct, which, in spite of all the messy wars of the last decade or so, I do treat seriously and, for me, is my primary ethical marker.

You can thus understand that I am surprised to hear from you, especially when the hearing is now well down the road. However, as my interests in this case are purely 'academic', and my interest in Saharan security issues are to get to the elusive 'truth' of what goes on in the region, I am very happy to meet with you and Mr Underwood.

Kind regards

In an email the following day to a colleague with whom I had been discussing the case, I expressed my surprise at receiving this request and that morally I had little choice but to cooperate. In trying to second guess this seemingly extraordinary reversal by the court, I surmised that HMG might have lost patience with Algeria's refusal to cooperate and had decided to use the UK's 'independent' court system to express its displeasure with Algeria by allowing a hint of Algeria's involvement in the In Amenas attack to creep into the court's findings. Although that view turned out to be entirely misplaced, my decision to cooperate with the court was based on the hope that it might open the door to further investigation that might lead to the 'truth' of Algeria's role(s) in the In Amenas attack.

After an interchange of emails with Geoff Charnock on Saturday 4 September, it was agreed that Geoff

Charnock, Mr Ashley Underwood and I would meet in the court on Tuesday 7 October, after its midday adjournment.⁹⁹

Our meeting began in Room 73 at the Royal Court of Justice at approximately 12.30 and lasted a little over two hours. My first question was why the court was now asking whether I was willing to give evidence when it had made it abundantly clear over the previous months that my evidence was deemed inadmissible.

Mr Underwood's reply to my question was that "the Judge doesn't want to be seen not to have done a proper job".

The first part of the meeting involved my explication of:

- how Algeria's DRS and 'counter-terrorism' operations worked, notably through the DRS' infiltration of terrorist groups and their practice of 'false-flag' operations, as documented by former US intelligence officer John Schindler (and my own research and publications);
- the existence and nature of Tamouret;
- the reasons for the close working relations between HMG (and the US) and Algeria; and
- the reasons why HMG had little choice but to countenance a 'cover up' of what lay behind the In Amenas attack in order to avoid details of the UK-US-Algerian so-called 'counter-terrorism' relationship, especially the Tamouret opera-

⁹⁹ Witness schedules had determined that the court would only sit during the morning of 7 October.

tion, becoming public knowledge.

The essence of Ashley Underwood's request to me was whether I could provide evidence of what I had been told by three witnesses (as my word was not enough, being allegedly based on 'hearsay'), especially the relationship between Bouchneb and the DRS, by providing the court with eye-witnesses who could provide testimony of meetings between DRS Generals and Bouchneb, and also eyewitnesses who knew Bouchneb and who could testify that he had not changed his ways (i.e. turned against his DRS handlers) between the time of his meetings at Tamouret and the In Amenas attack.

I said that I knew of three eyewitnesses who could fulfill these conditions. I explained that:

- One, as far as I knew, was now in the Middle East and

probably almost impossible to contact in the short time available.

- Another, with whom I had close relations, had recently recorded photographic evidence of the site on my behalf, including the graves and desiccated bodies I suspect to have been of victims (which I showed to Underwood). This witness had also known Bouchneb for a long time and could give evidence that he was recently still involved in DRS operations. I explained that this witness had papers that enabled him to travel to the UK without the necessity of a visa or other such impediments, but that I doubted whether he would be willing to give such evidence because of his experience and fear of reprisals by the DRS and also because he

would be unlikely to trust his safety to HMG because of the latter's known relationship with Algeria and complicity with its DRS.

- The third and best eye-witness, referred to earlier by the pseudonym of Bashir, was not only keen to help the court in this way but was readily available, being at that moment detained (almost certainly on fabricated charges) in London's Wormwood Scrubs prison.¹⁰⁰

Bashir's full and correct name was known to HMG and Ashley Underwood. However, he is referred to here as "Witness A", as that was the designation given to him in subsequent court documents.

During the next 24 hours, I was in almost constant contact with Witness A's surety and prison visitor¹⁰¹, through whom I had been in contact with Witness A for approximately four years. Witness A's surety discussed with Witness A and myself the 'conditions' upon which Witness A would be prepared to give evidence.¹⁰² The

¹⁰⁰ At that moment, Witness A was in the mental health ward of HS wing. Reasons for his state of mental health and associated threats of suicide were complex, but partly linked to his detention on what I and his surety believed were highly questionable, if not "trumped up", charges by agencies of HMG. However, as Witness A had reliable information that a number of parties, including Algeria's DRS, wanted him dead, we considered that detention in a UK prison, for whatever reason, did at least ensure his own personal safety.

¹⁰¹ The First-tier Tribunal (Immigration and Asylum Chamber) or the Special

Immigration Appeal Commission (SIAC) sets conditions for the release of detainees held under the immigration powers. These courts normally require that a surety, or in Scotland a cautioner, ensure that the detainee maintain contact with the authorities and satisfy the court's conditions for release: <https://www.gov.uk/bail-immigration-detainees>.

¹⁰² Witness A's surety had the appropriate legal authority to discuss matters on his behalf with the police, security services, doctors, lawyers, etc.

'conditions' were emailed to Geoff Charnock and Ashley Underwood on 8 October. They were as follows:

- Witness A's surety would act as Witness A's interpreter, as Witness A would not trust and therefore accept anyone else, and that Witness A's surety had the right, if he thought the witness was under pressure, overtly stressed or frightened, to intervene and terminate the interview.
- I would also be present throughout the interview. In addition to ethical reasons, this was also because Witness A had made this request.
- The whole session would be recorded. Witness A's surety and I said that we wanted complete recordings of the interview for the witness's

own protection and future security.

- Other secondary conditions concerned the way in which questions would be asked; issues that would not be discussed (such as events in Libya, which were irrelevant to this case, but of interest to HMG); procedural conditions relating to the prison authorities and that the interview would take place outside of the prison and follow an agreed format.

My interview with Ashley Underwood and Geoff Charnock, fell into four broad areas.

The first consisted of a summary of my 50 years of research and fieldwork experience in the Algerian Sahara and the nature of my sources and 'anthropological method'.

The second consisted of my experience and knowledge of terrorism and counter-terrorism in the region since 2002, specifically my knowledge of the relationship between the Algerian DRS and 'terrorist groups', and the relationship between the DRS and Western intelligence services, especially those of the US, UK and France.

The third focused in detail on Witness A, notably his life history, especially his time and experience at Tamouret and the nature of the evidence he could bring to the court with regard to his eye witness accounts of meetings between Bouchneb and top DRS Generals.

The fourth related to my relationship with BP and the question of whether BP might have known about possible collusion between the DRS and Mokhtar ben Mokhtar (MBM).

Ashley Underwood submitted a very summary and not entirely accurate record of the interview to the court's 'interested parties' on 20 October. It is reproduced in Appendix III. My correction and clarification of the Note, which was also distributed to the "interested parties", is reproduced in Appendix IV.

There are three points relating to the Underwood's note and my corrections of it, which warrant more detailed explanation. These are:

- i) The reasons Underwood gave for believing why Witness A could not be advanced as either a witness of the events in Algeria shortly before the attack or as a reliable witness at all.
- ii) Why Underwood made no mention in his note of

the major subject discussed during in the interview, namely Tamouret.

- iii) The question of whether BP might have been aware of some sort of relationship between the DRS and MBM and possibly also other terrorist groups operating in the region.

The three points are dealt with in turn:

III.2.i.a. The reason Witness A was deemed “unreliable”

Section 5 of Mr Underwood’s note read as follows:

“Inquiries have been made about [Witness] “A”, without revealing the Inquest’s potential interest in him. Those inquiries reveal that he has been out of Algeria for some

time and has been convicted of a number of offences of dishonesty. He has received sentences of imprisonment. He has used a number of aliases and given a false date of birth. In all the circumstances, I do not see how A could be advanced as a witness of events in Algeria shortly before the attack, and regrettably do not see how he could be advanced as a reliable witness at all.”

In my Correction and clarification (Appendix IV) of Mr Underwood’s note, I informed the Inquest court as follows:

Re. Point 5

“A” has:

- 1) “been out of Algeria for some years”.

Yes, but being out of a country does not necessarily lessen one’s knowledge of it.

To be precise, he arrived in Sicily in October 2008 and the UK in December 2009.

2) “used a number of aliases.”

To be precise, he has used one alias, namely Ali Arafat. That name was given to him by the smugglers he was with for his own safety. When he arrived in the UK, he clarified to the police, the Home Office and HMPS why he was known as Ali Arafat (an alias) and that it was not his proper name. The police, for reasons best known to themselves, have continued to call him by the alias, even though it has been explained to them that it is not his correct name.

His alleged second alias, Ali Ahmed, was invented by the

Home Office for reasons best known to itself.

The Court should be made aware that the use of aliases is common practice in Algeria. All Algeria’s top Generals have such aliases, as do many of the country’s senior government officials with whom HMG has dealings. For example, General Tartag, who was invited to the UK by the Home Office in 2012, has at least two aliases. It did not stop the Home Office having confidential meetings with him on highly sensitive matters.

3) “given a false date of birth”

It is correct that “A” does not know his date of birth. That has never been in doubt. A very high percentage of

Moslem people, especially in rural areas, do not know their ages and dates of birth. I have worked professionally on this issue for many years

and given evidence as an 'expert' court witness on the subject. Some 17 percent of Tuareg in the town where he believes he was born are

without any sort of documentation. That figure is almost certainly higher in some North African "rural" areas.

When asked by the UK police, "A" gave the first date that came into his head. Forcing people to give their dates of birth when they do not know them is an example of Home Office mendacity.

A UK asylum lawyer eventually asked "A" to get a Birth certificate. As he was raised (but not born) in Tunisia, he contacted his adopted brother (with whom he was raised).

The 'brother' got "A" an authentic birth certificate from the region in Tunisia where he was raised. However, it is almost certainly incorrect, as his date of birth could only have been estimated by the 'brother'. Moreover, "A" claims to have been born in Libya, where his mother died.

I did not raise the issue of Witness A's imprisonment in my correction of Mr Underwood's note, largely because it would probably have been confusing to the court and also because neither Witness A's surety nor his lawyers were clear as to why A was in prison. He had been convicted of at least one offence, but

Forcing people to give their dates of birth when they do not know them is an example of Home Office mendacity.

there were strong grounds to believe that he had been 'set up'. An earlier case bears all the hall marks of a 'trumped up' case, designed to keep him in prison, quite possibly as that suited the intelligence services' interest in him. It might also have been deemed the safest place for him to be if, as Witness A himself believed, DRS and other agents were out to kill him.

The result of Mr Underwood's note was that essential

evidence of what led up to the In Amenas attack was kept out of court.

III.2.i.b. The omission of Tamouret from Mr Underwood's note to the court

The most significant aspect of Mr Underwood's note to the court is it makes no mention of the subject that took up most of the 2+ hours of

the interview, namely the DRS/AQIM Tamouret training camp.

The word Tamouret does not appear once in the note, which merely makes two oblique and misleading references to it. These

are:

**The word
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note, which merely
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references to it.**

i) In point 3, bullet six, Underwood says: "PK [Prof. Keenan] says that Bouchneb (known to the hostages as Taher)

was a DRS agent of long standing, who had previously carried out atrocities on its behalf and who ran a training camp for it, and that he was still acting in that capacity very shortly before the attack."

ii) In point 4, Underwood says: "That individual, whom I shall call "A", is believed by the Professor to have been in a training camp run by Taher [Bouchneb] shortly before the

attack, and accordingly to be able to give evidence of Taher's [Bouchneb's] and Belmokhtar's relationship with the camp."

In my own note of clarification to the court, I said: "I did not say that Bouchneb 'ran a training camp for it [the DRS]' or that 'he was still acting in that capacity very shortly before the attack'. I made it very clear [in the interview] that the [terrorist] training camp was run by the DRS, and that Bouchneb, as the local DRS 'agent', was a regular visitor to it."

Two key questions that hang over Mr Underwood's note to the court are why he misrepresented the nature of the Tamouret training camp and why he made no mention of its name.

Mr Underwood is a QC and trained at keeping records of interviews. It is therefore reasonable to assume it was a deliberate omission designed to ensure that the existence of

Tamouret was not revealed in court. If the word Tamouret had been mentioned in his note, any one of the many legal teams might have wanted to learn more about it. A simple Google search would have taken them to evidence of how the DRS, in collusion with Western intelligences agencies, had run a supposed Al Qaeda training camp.

The Metropolitan police, working with the UK's intelligence services, ensured that no evidence was submitted to the London inquest that might have raised questions about, or thrown light on:

- i. the relationship between Algeria's DRS and 'terrorist' groups in the region, and the likelihood that the In Amenas attack was a 'false-flag' operation, initiated by the DRS with one such terrorist group, that went wrong;

- ii. the collusion between the DRS and Western intelligence services;
- iii. the existence of Tamouret.

III.2.i.c. Was BP aware of the relationship between the DRS and the terrorists?

The reasons for supposing that senior BP executives were aware of both the long history of MBM's operations in the Algerian and surrounding Sahara and the relationship between the DRS and terrorist groups, notably AQIM, are as follows:

First, in October 2000, the External Affairs Manager for BP Algeria contracted the author to write a consultancy report on the impact of tourism on southern Algeria. This was in the context of BP's corporate social responsibility (CSR) and the aim of 'opening up' southern Algeria to tourism after the civil war of the 1990s. During 2001, the author attended several meetings

with BP executives in both London and Algiers at which his advice was sought on further projects relating to their CSR programme, such as the provision of computer facilities in educational institutes.

Then, in December 2001, he was approached by BP to assist them on a specific security issue, namely to negotiate a deal with MBM that would ensure that he did not attack BP facilities in Algeria. During the next few months, I attended a number of further meetings with BP's senior security staff at which the threat posed to BP by MBM was discussed. Although no such deal was actually done with MBM at that time, the author was made aware that BP considered MBM a major threat and that BP was also well informed on MBM's capabilities

through its relations with either the DRS and/or army.

Second, in 2006, the author was visited at Bristol University by BP's business development manager for Algeria. The author gave him a very detailed briefing of his knowledge of the relationship between Algeria's DRS and its terrorist groups. Thereafter, from about 2007 onwards,

The author was made aware that BP considered MBM a major threat and that BP was also well informed on MBM's capabilities through its relations with the DRS.

the two met on a more or less regular monthly basis for approximately four years in the context of a high-level working group on North Africa. At many of those meetings, the author expressed his professional view that the most serious threat to any oil/gas company working in Algeria came from a DRS-managed 'false-

flag' terrorist attack. The reasoning for this view was that sooner or later it was likely that the DRS would organise such an attack to demonstrate that AQIM terrorism in Algeria was 'real' and not associated with the DRS, as the author and intelligence agents such as John Schindler were claiming. It was this reasoning that had led the author to believe that sooner or

later AQIM would kill one of its hostages. This eventually happened to the British hostage Edwin Dyer in 2009.¹⁰³

Third, the author was also aware that BP had read the content of many of his regular security consultancy reports on Algeria and the Sahara. These reports high-

¹⁰³ For details of Edwin Dyer's capture and murder, see *The Dying Sahara*, p. 149f. Before Dyer's death, the author had

warned officials at the FCO that Dyer's captor and murderer, Abdelhamid Abou Zaïd, was a DRS 'agent'.

lighted the relationship between the DRS and terrorist groups and warned of the danger of potential 'false-flag' operations.

Fourth, BP has had a long and often close collaborative relationship with both the British FCO and British intelligence services. For example, Sir Mark Allen was appointed in 2004 as a special advisor to the Chairman of BP, following his resignation as deputy head of MI6 and head of MI6's counter-terrorism unit.¹⁰⁴ Sir Mark was intimately involved in North African intelligence and security affairs. In May 2015, BP hired Sir John Sawers, head of MI6 from 2009 until late 2014, as a non-executive director of its board.¹⁰⁵ Sawers was head of MI6 at the time of the In

Amenas attack and accompanied British Prime Minister David Cameron on his visit to Algeria immediately after the attack. Sawers is believed to have been extremely well briefed on the activities and modus operandi of Algeria's DRS, with whom the UK had a close working relationship during his period as head of MI6.

Details of the author's meetings with BP officials were given to both the Metropolitan Police and Mr Underwood. However, they were never revealed to the inquest court, other than in the form of paragraph 7 of Mr Underwood's above-mentioned note to the court. (See Appendix III).

¹⁰⁴ Steve Bird, "The spy who quit MI6 for BP's oil cash... and set in train Labour's love-in with tyrant Gaddafi." *Daily Mail*. 6 September 2011. Accessed at: <http://www.dailymail.co.uk/debate/article-2034059/Sir-Mark-Allen-The-spy-quit-MI6-BPs-oil-cash-set-train-Labours-love-tyrant-Gaddafi.html>

¹⁰⁵ Andrew Critchlow, "BP hires former MI6 spy master to beef up board." *Daily Telegraph*, 14 May 2015. Accessed at: <http://www.telegraph.co.uk/finance/newsbysector/energy/oilandgas/11605436/BP-hires-former-MI6-spy-master-to-beef-up-board.html>

In conclusion, we are left with at least two major questions regarding BP. First, why did BP call off the deal that the author was arranging with MBM on its behalf in 2001? Was it because it had received reassurances from the DRS and/or Algerian army relating to the collusion between the DRS and MBM, as the author had been led to believe? Second, what, if anything, did BP know, through its links with MI6, about the DRS' relationship with terrorist groups operating in the region? As revealed in PART IV, evidence of an agreement between the Algerian authorities and MBM was revealed to Hillary Clinton in January 2013, when she was the US Secretary of State.

III.2.ii. Government's expert witness' lack of expertise

If HMG did not want my assessment of In Amenas raised at

the inquest, what was its reason for including Article 3 in the bundle of evidence it submitted to the inquest court?

It is reasonable to presume that HMG's motive was to protect it from accusations of having excluded pertinent open source information, while at the same knowing, or at least presuming, that it could repudiate its claims by calling on their own selected, 'expert' witness(es) on Algeria.

Thus, while HMG did not allow Article 3 to be updated, or for its author to be cross-examined in court, HMG nevertheless called an 'expert witness', in the personage of Dr Claire Spencer, head of the Middle East & North Africa Programme at the Chatham House 'think tank', to explain the wider political-security situation in Algeria.¹⁰⁶

¹⁰⁶ A fuller account of Dr Spencer's evidence was published shortly after she

had delivered it, as the ISCI Article 4. (30 November 2014) entitled: *Q. When is an*

Dr Spencer was called to give evidence 20 October, after almost five weeks of largely ‘technical’ evidence designed to establish what had happened at the Tiguentourine gas facility during the attack and what weaknesses there may have been in its internal security arrangements.¹⁰⁷

One expects an expert witness to have actually done first-hand research on the subject, in this case to

One expects an expert witness to have actually done first-hand research on the subject.

have got their hands dirty, as it were, in the sands and ethnicity of the Sahara, not rely, as Dr Spencer told the court, on ‘open access’ sources, which are secondary or tertiary, not primary.

Most unusually, but very significantly, Bridget Dolan, the Counsel to the Inquest who led Dr Spencer through her evidence, never asked her if she had ever conducted research in Algeria. Nor was the question raised under cross examination by any of the legal

representatives of any of the other interested parties, that is the families of the deceased, HMG, the Met and the two oil companies (BP and

Statoil).

Indeed, the court, if it had been appraised of the fact, might have gleaned Dr Spencer’s relative lack of knowledge on In Amenas from her

“expert” not an expert? A. At the In Amenas inquest. Accessed at:

<http://statecrime.org/state-crime-research/q-when-is-an-expert-not-an-expert-a-at-the-in-amenas-inquest/>

¹⁰⁷ Dr Spencer’s evidence was given through the afternoon of October 20, 2014.

The complete transcript of her verbal evidence is accessible at: In Amenas Inquests, Hearing Transcripts, Day 21 (Monday, October 20, 2014), pp. 137-255: <https://www.westsussex.gov.uk/births-marriages-and-deaths/deaths/in-amenas-inquest-hearing-transcripts/>

written evidence to the House of Commons Foreign Affairs Committee in March 2013, in which she said (Para 17) “three British nationals and a UK resident died,”¹⁰⁸ when in fact seven British residents, six of whom were nationals, died.

Spencer began on the right foot by saying that the overall security situation in the Sahara-Sahel had been deteriorating since the overthrow of Libya’s Mouamar Qadhafi in 2011 and the onset of the Mali crisis in 2012.

Few people would disagree with that broad assessment of the Sahara-Sahel region. However, the more Dr Spencer resorted to citing the report of Mr Wolfram Lacher, another so-

called ‘expert’ who had been asked by HMG to provide written evidence, the more one sensed her unfamiliarity with the details of the questions being raised.¹⁰⁹ Mr Lacher had recently been employed, only a few years before the In Amenas attack, by a London-based major security firm which, at the time, had a close relationship with Algeria’s DRS. In a phone call to the security firm, I was told by the telephone receptionist that Mr Lacher was ‘head of the Algeria desk’, which, as Mr Lacher has confirmed to me, was not his official position at the firm. Nevertheless, this relationship, irrespective of its official job title, may explain the serious omissions that characterise his own work on the region. For example, Lacher’s widely quoted report on ‘Organized

¹⁰⁸ UK House of Commons Foreign Affairs Committee. Written evidence from Dr Claire Spencer, Head, Middle East & North Africa Programme, Chatham House, 1 May 2013 (prepared 20th March 2014), paragraph 17. Accessed at: <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmfaaff/86/86vw04.htm>

¹⁰⁹ Lacher’s report was referred to no less than 10 times during the course of Dr Spencer’s submission of evidence. The author does not know whether Lacher’s failure to give verbal evidence himself was at his own request or because HMG wanted to safeguard him from cross-examination.

Crime and Conflict in the Sahel-Sahara Region', fails to make any reference to the role played by Algeria's DRS in drug trafficking, terrorism and other criminal activities in the region. As such, it presents a selective and therefore spurious picture of organised crime and conflict in the Sahara-Sahel region.¹¹⁰

Indeed, it was Lacher's shortcomings on local ethnicity that led Spencer into the minefield of 'inter-tribal' relations. Her way out was to tell the court: "we need some good social anthropologists here".¹¹¹ That was a serious faux pas, in that no region of the Sahara-Sahel has been subject to more social anthropological research.

While the court may not have noticed these 'academic' short-

comings, it is unlikely that it would have been reassured by Dr Spencer's hesitant language. In response to questions from the Counsel to the Inquest and cross-examining barristers, Dr Spencer used the expression "I think"¹¹² on more than 150 occasions. In addition, she resorted to imagination, saying "I imagine" or "I can imagine" on six occasions, with similar expressions of supposition and assumption being made on about the same number of occasions. Such expressions, when used by an expert in such frequency, can give the impression that the expert is not fully conversant with the subject of their supposed expertise.

On the matter of "imagination", Dr Spencer even told the court she could not believe the Algerians

¹¹⁰ Lacher, W. (2012). *Organized Crime and Conflict in the Sahel-Sahara Region*. Washington, D.C.: Carnegie Endowment for International Peace. Accessed at:

http://carnegieendowment.org/files/sahel_sahara.pdf

¹¹¹ Court Transcript, p. 226.

¹¹² Or a simile such as "I would/wouldn't think".

would allow the In Amenas hostages and their captors a safe passage to Mali, even though that is precisely what they had done in 2003.

On that occasion, as mentioned above, members of the GSPC, later to become AQIM, had been given a safe passage by the Algerian security forces to take 15 of their 32 European hostages to Mali.

A key negotiator in the Mali part of the operation was Iyad ag Ghali, a local Malian Tuareg leader who had long been closely associated to the DRS. Unbeknown to the court, Iyad might have played a fatal part in Dr Spencer's undoing if the legal representatives of the interested parties to the inquest had them-

selves been better briefed on Algeria and the nature of its terrorism and security situation.

In 2012, Iyad was the leader of one of the three Islamist 'terrorist' groups that led the 'jihadist' insurgency that took over northern Mali and led to the Mali crisis that Dr Spencer had already described to the court. When Dr Spencer was asked by Counsel to the Inquest to explain Algeria's reaction to and knowledge of the sudden onset of Mali's Islamist ('terrorist') insurgency, Dr Spencer told the court that the Algerian intelligence service (the DRS) was taken by surprise at how quickly Iyad, whom she described as "their man [i.e. the DRS' man] in Mali" had changed sides.¹¹³ Dr Spencer was not asked

¹¹³ Dr Spencer's exact words were: "The Algerians pride themselves on having a very thorough and far-reaching intelligence service. I think they were, certainly in the wake of events in Mali, slightly taken aback by the fact that Iyad Ag Ghali, who was a local Tuareg leader, [with whom] they had been in touch and had even supplied [with] weaponry and

financial support, as, if you like, their proxy within Mali. The fact that he so quickly defected by creating his own Islamist organisation, Ansar Dine, and join[ed] forces with Al Qaeda in the Islamic Maghreb and MUJAO probably took them by surprise, because I think they probably thought of him as their man." (Court Transcript, p. 152). Further

to explain what sources or research had enabled her to come to this conclusion. In fact, the reality of the situation is that Iyad never changed sides. He remained the DRS' 'man in Mali'. Throughout the duration of the 2012 insurgency he received provisions and support from Algeria, most notably fuel and some weaponry, while for much of the time since the French military intervention in Mali, he has been living, according to local sources,¹¹⁴ in Algeria and under the protection of the DRS, in spite of being a highly publicised 'wanted terrorist'.



French troops in Mali
*U.S Air Force, photo taken by Staff Sgt.
Nathanael Callon*

It is most unlikely that any of the legal representatives in the court had ever heard of Iyad ag Ghali or his role in Mali's crisis before this moment. Dr Spencer's lack of knowledge of the relationship between Iyad ag Ghali and the DRS and the role of the DRS in the Mali insurgency was therefore unchallenged.

Her apparent lack of expertise on the Mali crisis might have become clearer to the court when she was unable to give the precise date of France's military intervention in Mali: an iconic date for regional 'experts'.¹¹⁵

Neither was Dr Spencer in command of the facts when it came to recent hostage-taking and ransom demands from within Algeria itself. When questioned on

on: "I have already mentioned how they [the DRS] were let down by their key interlocutor [Iyad ag Ghali] in Mali over the previous year." (Court Transcript, p. 173).

¹¹⁴ Personal communications from local Tuareg, whose anonymity is protected for their safety.

¹¹⁵ Court Transcript, p. 222-23.

this subject, she told the court that two European aid workers had been kidnapped from the Tindouf refugee camps in Algeria, when the number taken hostage was actually three.¹¹⁶ Spencer was also uncertain of the date, saying she thought it was 2012, when it was in fact 2011.¹¹⁷ In fact, that date should be well known to any expert on the subject, as it was the first such terrorist incident by MUJAO, which had only just been formed.

However, the bombshell came most unexpectedly when barrister Katie Gollop, representing one of the

families, asked Dr Spencer if she was aware that General Tartag, dismissed as the DRS' head of Internal Security after his

catastrophic handling of the In Amenas situation, had recently been appointed as the President's new security advisor. Although Tartag's extraordinary appointment had been headline news in Algeria and a focal issue in discussions and analyses of Algerian politics for the previous month, Dr Spencer admitted she had not heard about it.¹¹⁸

By this time, it was becoming clear that the court was not listening to an 'expert' on Algeria.

By this time, it was becoming clear that the court was not listening to an 'expert' on Algeria.

It was not until the latter part of her evidence that Dr Spencer got on to the subject of 'conspiracies theories' about Algeria, by which time her

¹¹⁶ Three aid workers were kidnapped during the night of 22-23 October 2011. They were Italian Rossella Urru of the Rome-based International Committee for the Development of Peoples (CISP) and Spanish NGO workers Enric Gonyalons of

the Basque organisation Mundubat and Ainhoa Fernandez de Rincon of the Sahrawi Friendship Association of Extremadura.

¹¹⁷ Court Transcript, p. 236-37.

¹¹⁸ Court Transcript, p. 181.

credibility as an ‘expert’ on Algeria and terrorism in the Sahara-Sahel was crumbling. Having told the court there was quite a lot of conspiracy theory-making in and around Algeria,¹¹⁹ she refrained from naming the title or author of one. Whether that was to avoid possible libels or because Counsel to the Inquest, perhaps for the same reason, never asked her to be more specific, remains conjectural. As it was, her references to conspiracy theories were vague, unsubstantiated and little more than ‘straw men’.

It is not good enough to criticise a person, report or theory as ‘conspiracist’, unless it is backed up by evidence that contradicts the alleged ‘conspiracy theory’, something that Dr Spencer was unable or unwilling to do. One reason for her unwillingness to go further down this road may have been because

she knew or suspected that the conspiracies theory or theories being alluded to were, in fact, describing the situation accurately. Indeed, HMG can only have been disappointed when Dr Spencer finished her two and half hours on the witness stand by saying that “it should be understood that the conspiracy theory-making in and around Algeria, of which there was quite a lot, made sense of situations that don’t make sense through public source material alone.”¹²⁰

On that final point, and as PART IV makes clear, Dr Spencer was quite right. However, for the reasons identified and explained in this report, making sense of the In Amenas attack is not something that HMG wanted the inquest to do.

Aside from the quality of Dr Spencer’s evidence, an ethical question must also hang over the

¹¹⁹ Court Transcript, p. 243.

¹²⁰ Ibid.

appropriateness of calling an ‘expert’ witness from Chatham House, when three of the four ‘interested parties’ in the inquest, namely BP, Statoil and HMG,¹²¹ are funding ‘partners’ of Chatham House, while Algeria is an ‘Embassy member’.

As for HMG, it would be well advised, if it is going to rely on ‘experts’ to cover up cover ups, to make sure it chooses ‘experts’ who really are expert in what they are talking about.

III.2.iii. No examination of *El Khabar*’s 12 November 2012 article

El Khabar’s 12 November 2012 article (Appendix V) mentioned above (sections I.1.i. & II.1.) was extremely significant in understanding what happened at In Amenas on 16 January 2013. The article should have been seen as

either a warning of the high risk of a possibly imminent ‘terrorist’ attack, or, as Article 3 postulated, a possible warning from the DRS of such an attack. A modicum of research by either the FCO or BP would have led them towards the latter possibility.

Yet the article was subject to no detailed analysis at the inquest, at least by HMG. This was not because HMG was unaware of it. On the contrary, it had been raised in some detail during my interview with the Met and also highlighted in Article 3. Moreover, as Article 3 was included in ‘The Bundle’ of evidence submitted to the interested parties by the Coroner’s Office, neither HMG nor any of the interested parties can claim to have been unaware of it.

Furthermore, when it was raised by some of the cross-examining barr-

¹²¹ The fourth are the families of the deceased.

isters, it was brushed aside by both BP and HMG's witnesses, notably the UK's ambassador to Algeria at the time and a key FCO official, with a nonchalance unbecoming of their professional positions.

III.2.iv. HMG's application for a Public Interest Immunity (PII) certificate.

This is an opportune point to introduce what was to become one of the most important issues in the inquest, namely HMG's request for a Public Interest Immunity (PII) certificate.

The reason why HMG sought a PII certificate is not known, as it remains a government secret. However, PART V identifies three plausible reasons, one of which is related to the *El Khabar* article.

At the beginning of January (2015), towards the end of the inquest hearing, the court was informed

that HMG had applied for a PII certificate.

The last time that the government had used a PII certificate in relation to Algeria was in 1998. On that occasion, as detailed above, government ministers Jack Straw, Geoffrey Hoon and the late Robin Cook signed PII certificates to

prevent documents written about Algeria by the FCO and Whitehall's Joint Intelligence Committee from being submitted in court. It transpired that the PII certificate had been used to cover up untruths

told to the court by the FCO, an act, which might be considered as perjury, a false declaration or the obstruction of justice.

The question was: what did HMG want to conceal this time?

At the time of the inquest there was one obvious reason for HMG's

**The
question
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time?**

request. After the inquest, when further evidence of Algeria's involvement in the terrorist attack came to light (explained in PART IV), it became evident, as explained in PART V, that there may have been at least two further reasons why HMG sought a PII certificate. In this section, only the first reason, which relates to the *El Khabar* article, is considered. (The remaining two are considered in PART V.).

A reading of both Judge Hilliard's explanation for granting the PII certificate, as well as HMG's "Gist" of its request for a PII certificate (APPENDIX VII), gives a strong impression, although never stated explicitly, that the PII certificate requested by HMG may have referred to its failure to respond to the *El Khabar* article of 12 November 2012.

In his explanation, Judge Hilliard wrote: "I had a specific concern about some information which was received by the British government before the attack. That information was not dealt with speedily, and there was no good reason for the delay. I was concerned about whether, had it been dealt with quickly, it may have been capable of leading to some effective warning being given to BP."¹²²

The response of HMG's Counsel, David Barr QC, in what Judge Hilliard described as "a form of words", said: "As is made clear by the Gist (APPENDIX VII), HMG did receive some information late in 2012, which it was later established was some months old, but there was a delay in processing that information. The question arises as to whether this delay made a difference. HMG has considered this issue and concluded that it

¹²² Paragraph 7, Appendix VI.

cannot be sure about what might have happened. However, but for the delay there is a possibility that some of the information would have been given to BP before the attack”.¹²³

The best assessment of the PII issue was given in two substantial articles written by The Guardian’s legal correspondent, Owen Bowcott. They are reproduced in full in APPENDIX VIII.

The titles of the two articles tell the story: *“UK government in bid to withhold material from In Amenas inquest”* and *“UK government failed to tell BP about kidnap threat before In Amenas attack”*.

In the first article Bowcott wrote how the FCO, through a PII certificate issued by the foreign secretary, Philip Hammond, was attempting to withhold security

information from the inquest, describing how government lawyers had “resorted to the rarely used legal device of a public interest immunity (PII) certificate, allowing them to apply to keep back from a court hearing material deemed too sensitive to be released in open court.”

The second article, written after Judge Hilliard had granted the PII certificate, noted the government’s admission that it had failed to hand over information in time. It cited Judge Hilliard’s concern, quoted above, about the failure of the British government to deal speedily with information that it had received.

The article continued by quoting the admission by HMG’s Counsel, David Barr, that it had received “some information late in 2012” and the possibility that it might have

¹²³ Paragraph 8. Appendix VI.

been given to BP if it had not delayed processing it.

The government statement, quoted at length by Bowcott, continued by saying: "In early December 2012, HMG received and read some information alleging that unidentified terrorists in southern Algeria were seeking information about British workers in Algeria

with a view to kidnapping them.

"It was later established that the information was several months old when HMG received

it. There was an unnecessary but unintentional delay in processing the information until after the attack had started. After the attack, a third country [Ed. which can be presumed to be the US] rapidly assessed that the information was unreliable and could be totally ignored. HMG concluded that while

the information could have related to BP employees the reliability of the information was questionable and it lacked detail. Further retrospective assessment gave additional weight to the information being unreliable. HMG remain of the view that they were not aware of any information that could have identified or prevented the specific attack."

The *El Khabar* article cannot be considered as "sensitive material", nor can it be considered as having a bearing on national security.

In an earlier interim judgment, Judge Hilliard had ruled that the Foreign Office (FCO) could with-hold sensitive, national security

material relating to the January 2013 attack on the In Amenas site. That was the correct decision, at least in principle, in that the FCO, or any other branch of government, should be able withhold information that threatened national security.

On 8 January (2015) Judge Hilliard upheld the Foreign Secretary's application for a PII certificate, thus preventing the release of details that both the Foreign Secretary and Judge Hilliard deemed too sensitive to be heard in open court.

This report considers this decision, if it pertains to the *El Khabar* article, to be an abuse of the legal system. The *El Khabar* article cannot be considered as "sensitive material", nor can it be considered as having a bearing on national security. Rather, and unless the FCO, Foreign Secretary, Mr Barr and Judge Hilliard were together withholding some other information that fell outside the 'Gist' given by Mr Barr, the decision had everything to do with the failure of the FCO to do its job. The pretext of 'national security' and the use of a PII certificate were used to conceal from the 'interested parties' and the public as a whole what was nothing

more than the incompetence of the FCO.

As far as 'national security' is concerned, the PII certificate did serve another purpose. In addition to covering up the FCO's incompetence, it also saved HMG's intelligence services from the embarrassment of being seen to have had so little insight into the North African situation. An adept intelligence expert on Algeria would have been able to identify the *El Khabar* article as stemming from the DRS, which, in itself, should have served as a warning that something was awry.

However, it must be asked if a Judge of Hilliard's stature would grant a PII certificate simply to protect the FCO's reputation. The answer is hopefully 'no', thus raising the question of whether there may have been an additional reason or reasons for granting the PII certificate.

So far, this report has presumed that the PII application was intended to cover up the FCO's failure to deal competently with *El Khabar's* 12 November article. Indeed, that is the impression that both Mr Barr's "Gist" and Judge Hilliard's explanation gave to the court. However, as neither Mr Barr nor Judge Hilliard referred specifically to the *El Khabar* article, it is conceivable that their allusions to it were sophistic, designed to conceal some other document(s) or information from the court.

Mr Barr gave a clue to this possibility at the pre-inquest hearing of 2 September when he said that "HMG was in possession of documents of an extremely sensitive nature that could have implications for national security." As mentioned earlier, Mr Barr told the court that the process of reviewing these documents could take between three and six months.

Not with the wildest stretch of the imagination could the *El Khabar* article be described as being of "an extremely sensitive nature that could have implications for national security." Neither would it take more than a few hours, at most a few days, to review it.

Evidence that came to light almost a year after the inquest began, which is set out in Part IV, suggests that the PII certificate may have been sought to cover up a far more politically sensitive matter than the FCO's incompetent handling of the *El Khabar* article. This evidence provides proof of the DRS's direct involvement in the In Amenas attack.

Then, in March 2016, as also detailed in PART IV, further evidence came to light through Hillary Clinton's private emails that the US State Department and probably its UK counterpart knew

of an agreement between Mokhtar ben Mokhtar and the Algerian authorities.

In summary, as PART V explains, there at least two additional sets of evidence that only came into the public domain after the inquest was finished, but which HMG would almost certainly have known about and would want to cover up through a PII certificate.

III.3. Strengths and short-comings of the inquest's findings

In addition to the points made above, the following additional points relating to both the strengths and shortcoming of the inquest and its verdict are warranted.

III.3.i. Strengths

III.3.i.a. Quality of medical forensic evidence

The central purpose of any verdict is to ascertain the deceased's cause of death. In that regard, forensic evidence is often crucial. In the case of several of the In Amenas deceased, especially those who died in the vehicles that were being driven by the 'terrorists', carrying

primed explosives and under fire from the Algerian army, the actual cause of death might have been from a number of causes, such as the army fire, the detonation of the explosives, smoke

inhalation or burns from the resulting fire, the vehicle's accident (overturning) itself or perhaps something else.

Given the lack of cooperation from the Algerian authorities throughout the investigation, the exceptional

The PII certificate may have been sought to cover up a far more politically sensitive matter than the FCO's incompetent handling of the *El Khabar* article.

work undertaken by Drs Nathaniel Cary and Robert Chapman, the two pathologists who undertook the post mortems on the seven deceased (three and four respectively), along with the work of SO15 Counter Terrorism Command in determining the identity, precise time, circumstances and location of deaths, is praiseworthy.¹²⁴

III.3.i.b. Judge's critical analysis of BP's security methodology

Judge Hilliard is to be commended for highlighting and explaining the specific shortcomings of BP's system of risk assessment and management, which provided the basic methodology of risk assessment at the Tiguentourine plant.

The part of the risk assessment system to which Judge Hilliard

directed critical attention was BP's 'matrix system'. The system clearly identified terrorism as a key risk. However, the practice adopted within BP and the Tiguentourine JV risk matrices was that different types of risk were amalgamated within the risk matrix calculations.

For example, if the risk of 'terrorist attack on the JV staff and facilities' were assessed, say, at 18, while the risk to 'pipeline security' was assessed, say, at 12, then the amalgam score would be 15. If however, the risk assessment of 'terrorist attack on the JV staff and facilities' rose to 20, while the risk assessment of 'pipeline security' fell to 8, then the amalgam score would actually fall from 15 to 14, giving the impression of a reduced terrorism risk.

¹²⁴ The evidence of Drs Cary and Chapman was given on Wednesday 17 September 2014, the third day of the inquest hearing. Accessed at: [https://www.westsussex.gov.uk/births-](https://www.westsussex.gov.uk/births-marriages-and-deaths/deaths/in-amenas-inquest-hearing-transcripts/)

[marriages-and-deaths/deaths/in-amenas-inquest-hearing-transcripts/](https://www.westsussex.gov.uk/births-marriages-and-deaths/deaths/in-amenas-inquest-hearing-transcripts/)

This is precisely what happened at the Tiguentourine facility, where these two risks – the threat of terrorist attack and pipeline security – were amalgamated on the lines outlined above.

To quote more or less word for word from the Judge Hilliard's findings¹²⁵, at Tiguentourine:

“a threat to the gas pipeline was considered to be a less probable event than a terrorist attack on personnel, and was rated with a lower score. The effect of amalgamating these two risks within the matrix was to reduce the overall risk rating for a terrorist attack to a score of 14. This lower score was classed as a “Medium” residual risk. For a risk of this level, the policy was that it

should be managed by adherence to existing procedures with no requirement for additional preventative or deterrent measures to be considered by the JV.”

“[if] the perceived risk of terrorist attack on the JV staff and facilities had been assessed in isolation, its rating would have produced a residual risk score of 16. This would indicate that a ‘High’ (as distinct from ‘Medium’) risk of terrorist attack remained even after the measures already in place to reduce that risk had been taken into account. According to the JV's risk assessment policy, a ‘High’ risk score mandated additional action being taken. Specifically, further risk

¹²⁵ The Judge's words on this matter are in paragraphs 254-260 of his Factual Findings. Accessed at: [https://www.westsussex.gov.uk/births-](https://www.westsussex.gov.uk/births-marriages-and-deaths/deaths/in-amenas-inquest-hearing-transcripts/)

[marriages-and-deaths/deaths/in-amenas-inquest-hearing-transcripts/](https://www.westsussex.gov.uk/births-marriages-and-deaths/deaths/in-amenas-inquest-hearing-transcripts/)

control measures should have been recommended, planned and put in place.”

Mr Colin Braziel,¹²⁶ an independent security expert, who had been instructed by the coroner’s office to provide an expert report on security aspects of the case, described BP’s and the JV’s approach to risk assessment as “flawed”. In his opinion, each risk should have been treated as a risk in own right.¹²⁷

III.3.ii. Weaknesses/Shortcomings

Most of the weaknesses and shortcomings of the inquest hearing have been identified above. However, there are two further areas of concern that warrant highlighting. The first, namely the matter of responsibility for the

deaths at In Amenas, relates specifically to the Judge’s factual findings the verdict, while the second, which relates to both the verdict and the entire inquest process, is HMG’s inconsistent use of sources and reliance on hearsay.

III.3.ii.a. The inquest verdict

It is not surprising that the Judge concluded that all seven deceased were “unlawfully killed”. However, while it is not the requirement of an inquest to address the

¹²⁶ Mr Braziel’s evidence was given on 29 October 2014 (Day 25). Accessed at: <https://www.westsussex.gov.uk/births-marriages-and-deaths/deaths/in-amenas-inquest-hearing-transcripts/>

¹²⁷ See Factual Findings, paragraph 260. Accessed at: <https://www.westsussex.gov.uk/births-marriages-and-deaths/deaths/in-amenas-inquest-hearing-transcripts/>

question of ‘why’ people were killed, Ms Penelope Schofield, the West Sussex coroner, who was initially responsible for the inquest, did tell the families of the deceased that she would “leave no stone unturned”. She assured the families that she would be widening the scope of the inquest, at the specific request of the legal teams, to look at all of the events leading up to and including the attack.

That did not happen. As this report has shown, many stones were, in fact, left unturned. After Ms Schofield was replaced, the inquest process, as it is entitled to do in accordance with the inquest law, scrupulously avoided going

anywhere near the question of ‘why’.

We are therefore left with the judge’s factual findings placing the responsibility for the “unlawful deaths” squarely on the terrorists.

Judge Hilliard’s key statement in that regard, reads: “Whilst the actions of governments and

organisations have rightly been scrutinised, it is of course the terrorists themselves who are responsible for the deaths at In Amenas along with those who recruited them or provided them with support.”¹²⁸

This central statement of the verdict raises two crucial points. The first is that absolutely no scrutiny has been

Ms Penelope Schofield did tell the families of the deceased that she would “leave no stone unturned”. That did not happen.

¹²⁸ See Factual Findings, paragraph 15. Accessed at: [https://www.westsussex.gov.uk/births-](https://www.westsussex.gov.uk/births-marriages-and-deaths/deaths/in-amenas-inquest-hearing-transcripts/)

[marriages-and-deaths/deaths/in-amenas-inquest-hearing-transcripts/](https://www.westsussex.gov.uk/births-marriages-and-deaths/deaths/in-amenas-inquest-hearing-transcripts/)

undertaken of either the Algerian government or any of its various institutions, or, for that matter, the close relationship between HMG and Algeria's DRS. If such scrutiny had been undertaken, the inquest would have been very aware of the close working relationship between the Algerian DRS and

HMG has used highly suspect sources and hearsay when convenient to its case, but rejected 'inconvenient' evidence on precisely the same grounds.

terrorist groups and terrorist leaders such as Mokhtar ben Mokhtar and Mohamed Lamine Bouchneb. In fact, through its intelligence services, HMG is aware of this relationship, but for reasons explained in this report, has chosen to remain silent on the matter.

The second crucial point in Judge Hilliard's statement is his reference to "those who recruited them or provided them with support."¹²⁹

Unfortunately, the inquest made no effort to explore the questions of who might have recruited the terrorists and provided them with support, in spite of Article 3 (submitted within the 'Bundle' of documents made available to the court) pointing the court strongly in that direction.

The importance of this serious omission by the inquest becomes very apparent in the light of the new evidence presented in PART IV. Although this evidence was almost certainly available to the intelligence services at the time of the inquest, it only entered into the public domain in August 2015.

III.3.ii.b. Inconsistent use of sources and reliance on hearsay

¹²⁹ *ibid.*

Judge Hilliard's Factual Findings (FF) are deeply flawed. HMG has used highly suspect sources and hearsay when convenient to its case, but rejected 'inconvenient' evidence on precisely the same grounds.

Throughout the hearing, the Metropolitan police, the Counsel to the inquest, Ashley Underwood (QC to the Inquest Court), the Coroner's Office, several witnesses called by the coroner's office and Judge Hilliard himself, all at various times rejected hearsay evidence and emphasised the unreliability of Algerian press reports. And yet, Judge Hilliard, in his Factual Findings (FF), relied heavily on just such sources.

For example:

In Para 202 of the FF, Judge Hilliard wrote: "I turn to the information publicly available about the terrorists and their motives. This comes mainly from three open sources: the Algerian Prime

Minister's press conference on 21st January 2013; media reports including, in particular, the Algerian publications *El Watan* and *Ennahar*; and the perpetrators themselves in statements they made to individuals and media organisations during the course of the hostage-taking."

The Algerian government has a notorious reputation for obfuscation, lack of veracity and downright lies. As for the media cited, *El Watan* is strongly orientated to the DRS' perspective, with its key journalist on this case, Salima Tlemçani, being widely known as a 'DRS scribe'. The Judge appears to have relied heavily on the deceptive *El Watan* article referred to earlier in this report for identifying the names of the terrorists. *Ennahar* is subject to similar criticism.

In Para 203 of the FF, Judge Hilliard wrote: "On the 21st January 2013 in

an online video message posted on *Sahara Media's* website, responsibility for the In Amenas attack was claimed by Mokhtar ben Mokhtar, a known Islamic terrorist." If the Judge had been better briefed by HMG's various agencies, he would have known that *Sahara Media* is one of several websites that have become notorious for carrying both true and false messages from militant Islamist groups ('terrorists'). Indeed, the infiltration and use of these sites by the DRS is so extensive that it is almost impossible to ascertain whether these messages are from the stated sources or infiltrated DRS propaganda.

In Para 204 of the FF, Judge Hilliard wrote: "Belmokhtar had been criticised by the AQIM leadership in a letter dated October 2012 for his lack of action in 'achieving a single spectacular operation targeting the crusader alliance'." As with the previous reference to *Sahara Media*,

the authenticity of this letter is highly suspect. Given Belmokhtar's total lack of public correspondence of any sort before this date, along with the DRS' long track record of publishing such false documentation, terrorist experts on the region (who were not called as witnesses by HMG), believe that the authenticity of this letter is extremely suspect.

The same criticism applies to Belmokhtar's alleged public statement of December 2012, in which "he announced his intention to strike at Western interests", which Judge Hilliard cites in Para 205 of the FF.

Many more such examples could be cited. Taken together, they make just about everything in Judge Hilliard's Factual Findings that refers to the terrorists' identities, movements and motivations, methodologically unsound.



PART IV

EVIDENCE OF DRS INVOLVEMENT
IN THE IN AMENAS ATTACK

PART IV

Evidence of DRS

involvement in the In

Amenas attack

IV.1. Introduction to PART IV

The end of PART III marks the end of the account and analysis of the London inquest. As explained in the Introductory Note (section 0.2.iv.), the writing of PART IV was delayed for over a year. The reason for this delay was that the inquest had left as many questions unanswered as answered, which, it was anticipated, might become answered in the near future. In particular, it was suspected that the infighting within the Algerian regime, especially between the presidency and the DRS, would sooner or later reach a point that would result in key information regarding the regime's

involvement in the In Amenas attack coming to light.

That moment began on 27 August 2015 with the arrest of the DRS General Hassan, and since then has been more or less continuous. Then, in March 2016, Hillary Clinton's private emails during the time she was US Secretary of State became accessible to the public domain. Their analysis and revelations, which add further evidence of Algeria's involvement in the In Amenas attack, are also included here in PART IV.

These two sets of events, together provide overwhelming corroborative evidence in support of the conclusions of this report that In Amenas was a 'false-flag' operation that went badly wrong and was then covered up in a collusion between the Algerian regime and its Western allies.

Sections IV. 2 - 6 describe and explain the Hassan case and its aftermath; Section IV.7. the Clinton emails.

IV.2. Arrest of General Hassan and claims that he armed the In Amenas terrorists

Two extraordinary developments took place on 27 August 2015. The precise time of the two events, to the nearest hour, is not known. However, at some time on 27 August, or possibly late on 26 August, General Hassan, whose proper name is Abdelkader Aït Ouarabi, the former head of the GIS (*Groupement d'Intervention Spéciale*) and SCORAT (*Service de coordination opérationnelle et de renseignement antiterroriste*), who had been dismissed (officially 'retired') in January 2014, was arrested at his home in Chevalley (Algiers) and taken to the military court and

prison complex at Blida, 50 kms south of Algiers.

News of Hassan's arrest first broke through a well-informed leak to the online news service *Algérie1.com*, which said that he had been arrested on the evening of 27 August and transferred to Blida.¹³⁰

Hassan had previously been arrested just over 18 months earlier, on 8 February 2014. At that time, he had been placed under judicial review by the Blida military court. However, nothing more was heard of the case until 27 August 2015, more than 18 months later.

The Algerian authorities, who customarily remain silent on almost all such matters, issued no statement. However, *Algérie1.com* stated that Hassan was prosecuted on the basis of information

¹³⁰ "Le général Hassan (DRS) arrêté et transféré à la prison militaire de Blida." *Algérie1.com* 28.08.2015. Accessed at:

<http://www.algerie1.com/actualite/le-general-hassan-drs-arrete-et-transfere-a-la-prison-militaire-de-blida/>

provided by three terrorists captured at the Tiguentourine gas facility when it was attacked in January 2013. These three terrorists, it should be noted, were captured and interrogated by the army, not the DRS.

According to the *Algérie1.com* report, Hassan was prosecuted for “forming an armed group, making false declarations over the weaponry in his possession, holding onto to war arms, withholding information and lying.” Such accusations, in terms of Article 86 of the Penal Code, can carry the death penalty.

Far more pertinent, however, was *Algérie1.com*’s report that the three terrorists’ interrogators, had been surprised by their confessions that General Hassan had armed them.

It did not come as a surprise to learn that three of the terrorists had been captured and held in the state’s hands. As recorded earlier in this Report, it was always known that at least three of the terrorists had been captured and detained by the security forces at or shortly after the attack on the Tiguentourine facility.¹³¹ Indeed, Judge Hilliard confirmed this at the inquest. In his Factual Findings, he said:

“By the end of the operation, 29 of the terrorists were dead. 11 were probably killed at the CPF. The Algerian authorities arrested three other attackers who remain in custody in Algeria, facing terrorism and homicide charges. The men in custody have been named by *El Watan* as Derouiche Abdelkader, also known as Abou Al Barra, Kerroumi Bouziane, also known as

¹³¹ Most of the first reports on the attack stated that the Algerians had captured three of the terrorists alive. See, for example, the BBC’s report “Algeria

hostage crisis: What we know” of 21 January 2013. Accessed at: <http://www.bbc.co.uk/news/world-africa-21087732>

Redouane, and Laaroussi Ederbali.”¹³²

IV.3. Arrival of James Clapper, Director of National Intelligence, in Algiers

The second extraordinary event of 27 August was that the US’ Director of National Intelligence (DNI), James Clapper, flew from the US to Algiers. It is not known whether DNI Clapper had advance warning from Algiers about Hassan’s arrest. Nor is the precise time of his arrival in Algiers known, although the first report that he was in Algiers was published on *Algérie1.com*’s website at 21.48 on 27 August.

As *Algérie1.com*’s notification of Hassan’s arrest was not published online until 15.54 on 28 August, some 20 hours after its publication of James Clapper’s arrival, it would suggest that Clapper might have

had a few hours advance notice of Hassan’s arrest, but not enough to stop the leaked information of the circumstances of his arrest reaching *Algérie1.com*.



James Clapper
Jay Godwin, CC 1.0

DNI Clapper is the most senior intelligence official in the US and the intelligence advisor to the President. His unprecedented flight to Algiers suggests that whatever was happening in Algiers was a matter of extreme seriousness to US national security and/or intelligence interests.

¹³² Factual Findings, paragraph 215.

Accessed at:

[https://www.westsussex.gov.uk/births-](https://www.westsussex.gov.uk/births-marriages-and-deaths/deaths/in-amenas-inquest-hearing-transcripts/)

[marriages-and-deaths/deaths/in-amenas-inquest-hearing-transcripts/](https://www.westsussex.gov.uk/births-marriages-and-deaths/deaths/in-amenas-inquest-hearing-transcripts/)

News of Clapper's arrival in Algiers was in much of the Algerian press the following day, Friday 28 August. However, with a few exceptions, which noted the coincidence of his arrival with the arrest of General Hassan, most media reports did little more than reiterate the official, sanitised statement from Algeria's foreign ministry, which simply said: "The Minister of State, Minister of Foreign Affairs and International Cooperation, Ramtane Lamamra, received Thursday [27 August] in Algiers, the Director of National Intelligence of the United States, James R. Clapper, who is on a working visit to Algeria. The meeting focused on Algerian-US bilateral relations and on international and regional issues of common interest."¹³³

Most of the Algerian media that mentioned Clapper's visit speculated that the "international and regional issues" mentioned in the ministry's statement referred to the situation in Libya and Mali, and perhaps also Syria. However, the fact is that the DNI is hardly likely to fly to Algiers to discuss issues in Libya, Mali or Syria.



Ramtane Lamamra
CSIS, CC 2.0

It is almost inconceivable that Clapper flew to Algiers for any other reason than that Washington realised the damage that could be done to US interests if the revelations of General Hassan's DRS activities, especially those

¹³³ "Lamamra reçoit le directeur du renseignement national des Etats Unis." *Algerian Press Service*, 27 August 2015. Accessed at:

<http://www.aps.dz/algerie/27696-lamamra-recoit-le-directeur-du-renseignement-national-des-etats-unis>

pertaining to the attack on In Amenas, fell into the public domain.

IV.4. What the US knew of General Hassan's activities

The key question is what and how much the US intelligence services knew of the DRS' arming of the In Amenas terrorists and other such DRS activities.

As documented in the author's two books on terrorism in the Sahara since 9/11¹³⁴, the US military and intelligence services have been working very closely – hand in glove – with Algeria's DRS since George Bush Jnr won the presidency in 2000. For example, DRS director General Mohamed 'Toufik' Mediène was not only in the Pentagon building on 9/11, but

The US military and intelligence services have been working very closely – hand in glove – with Algeria's DRS since George Bush Jnr won the presidency in 2000.

also meeting with CIA Director George Tenet. Less well known is that in the wake of 9/11 and the closure of all US air space, two civilian flights were allowed to take off from US airports. One was carrying members of the Saudi Royal family and relatives of Ben Laden. The second brought

Mediène back to Algiers from Washington.

On 31 July 2002, the US Senate Select Committee on Intelligence received the green light for US intelligence services to work with the DRS.¹³⁵

Within a matter of weeks, the DRS was collaborating with US Defence Secretary Donald Rumsfeld's new Proactive Pre-emptive Operation Group (P2OG).

¹³⁴ Jeremy Keenan, *The Dark Sahara*, 2009; *The Dying Sahara*, 2013. A third volume, *Kafka's Desert*, is in preparation.

¹³⁵ Keenan, J. *The Dark Sahara*, 2009, p. 170.

The P2OG was a covert organisation designed to carry out secret missions to “stimulate reactions” among terrorist groups by provoking them into undertaking violent acts that would expose them to “counterattack” by U.S. forces, along with other operations which, through the US military penetration of terrorist groups and the recruitment of local peoples, would dupe them into conducting “combat operations, or even terrorist activities.”¹³⁶¹³⁷

From late-2002 onwards, the US Defence Department and the DRS began conducting such P2OG operations together, with the first successful operation being the hostage-taking of 32 European tourists in the Algerian Sahara in a

‘false-flag’ operation led by the DRS operative ‘El Para’. The operation provided the justification and legitimisation of the launch of President George Bush’s Pan-Sahel Initiative (PSI), also referred to by several US analysts as the second or Sahara-Sahel front in Washington’s global war on terror (GWOT).¹³⁸

Since 2003, a number of such operations in Algeria and the neighbouring regions have been documented.¹³⁹ General Hassan was almost certainly a key player in most of them. However, the problem for both Hassan and the DRS is that In Amenas, which, as explained above, was almost certainly another ‘false-flag’ operation, went disastrously wrong.

¹³⁶ Floyd, Chris. “Into the Dark: The Pentagon Plan to promote terrorist attacks.” *Counterpunch*, 1 November 2002. Accessed at: <http://www.counterpunch.org/floyd1101.html> Ahmed, Nafeez Mosaddeq. ‘Our Terrorists’, *New Internationalist*, October 2009, pp. 17-20.

¹³⁷ For more details of the P2OG, see: Keenan, J., *The Dying Sahara*, 2013, Chapter 1.

¹³⁸ For details of this operation, see Keenan J., *The Dark Sahara*, 2009.

¹³⁹ Keenan, J. *The Dying Sahara*, 2013.

The key question is: when did US intelligence know of the DRS' involvement in the operation?

The operation was almost certainly undertaken by only a very small core of DRS officers, possibly as few as Generals Mediène, Hassan and, almost certainly, Tartag. It is also most likely that the operation was planned and conducted without the knowledge of the US.

The reason for believing that is because by the time of the In Amenas attack in January 2013, the relationship between Algeria, notably its DRS, and the West (US, UK and France), as explained above, had become particularly fraught. Following the DRS' support for the Qadhafi regime during 2011, the DRS' support for the Islamist insurgency in Mali during 2012 was probably the "final straw".

By the latter part of 2012, the DRS would have been aware that its relationship with these Western powers was coming under review. Therefore, if the In Amenas attack was another DRS-planned 'false-flag' operation along the lines of the Tibhirine monks massacre in 1996 and the European hostage-taking in 2003, and designed to redeem the DRS' relationship with these Western powers, then the DRS would almost certainly have kept the US, and its other allies, in the dark.

However, it would be extremely surprising if US intelligence services were not at least suspicious of DRS involvement in In Amenas. After all, US intelligence knew precisely how the DRS worked.¹⁴⁰ It also had access to its own electronic and satellite surveillance of the region, and would have noted what had been said in the initial In

¹⁴⁰ See John R. Schindler, *op. cit.* (notes 16 and 17).

Amenas articles on the ISCI website.

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Also, as explained later in this report (Section IV.7.), the US State Department had received an email forwarded by Hillary Clinton on 17 January 2013, the second day of the In Amenas attack, saying that there was an agreement between Mokhtar ben Mokhtar and the Algerian authorities. This email would almost certainly have been picked up by US intelligence agencies.

According to Algerian sources, the transcripts of the Algerian inves-

tigators' interviews with the three captured terrorists were made available to the US authorities. Algeria also stated that US investigators had been given access to the three terrorists. This was confirmed by the FBI. The date of this access is not known, but was certainly before 19 July 2013.¹⁴² Whether the British authorities were given access by the Algerians to either the transcripts or the three captured terrorists is opaque. It is inconceivable that the US would not have made this information available to their British colleagues.

¹⁴¹ 1.

http://statecrime.org/online_article/a-new-phase-in-the-war-on-terror-a-report-on-events-in-algeria-and-mali/ 2.

http://statecrime.org/online_article/in-amenas-the-need-for-an-international-enquiry/ 3.

http://statecrime.org/online_article/the-in-amenas-cover-up/ 4.

<http://statecrime.org/state-crime-research/q-when-is-an-expert-not-an-expert-a-at-the-in-amenas-inquest/> 5.

<http://statecrime.org/state-crime-research/q-when-is-an-expert-not-an-expert-a-at-the-in-amenas-inquest/>

¹⁴² This was the date on which the *National Post* published confirmation that the FBI

had interviewed the three terrorists, although it is believed that the FBI's meeting with the three terrorists probably took place a long time before this date. Whether other US intelligence agencies were given access to the three terrorists is not clear. See: Stewart Bell, "U.S. lays charges against al-Qaeda loyalist behind deadly Algerian gas plant attack". *National Post*, 19 July, 2013. Accessed at: <http://news.nationalpost.com/news/u-s-lays-charges-against-al-qaeda-loyalist-behind-deadly-algerian-gas-plant-attack>

However, we do not know whether the interview transcripts shown to the Americans were genuine, or had been redacted by the Algerians, as is quite likely, and whether the three terrorists admitted to the FBI at that time that they had been armed by Hassan.

If the Americans and British were aware at or before 21 July 2013 of the three terrorists' confession that they had been armed by General Hassan, it would go a long way to explaining why there was no attempt by the Western powers to carry out a full investigation into the In Amenas attack and why the London inquest was effectively a 'cover-up'.

However, even if the US and UK intelligence services were unaware in July 2013 of the terrorists' confessions that they had been armed by General Hassan, the Americans, for reasons described in the following two sections, would

almost certainly have been made aware by January-February 2014 of the DRS' and Hassan's activities.

IV.4.i. General Hassan's arrest on 8 February 2014

General Hassan's first arrest on 8 February 2014 was merely one act in an extremely complex and murky phase of infighting between the presidency and the DRS.

APPENDIX IX, entitled 'Explanation for the conflict between Bouteflika and Mediène', helps readers understand the nature of the tension and almost continuous infighting between the presidency and the DRS, which has been an almost constant feature of Algeria's post-independence history, especially since the 1990s. Readers unfamiliar with Algeria would benefit from reading APPENDIX IX at this point, as the infighting between these two poles of Algeria's political power structure explains almost everything that

follows in the remainder of this section of the report.

Tension between the Bouteflika presidency and General Gaïd Salah on the one hand, and the DRS on the other, had been intensifying from late-2009 onwards, with DRS director General Mohamed 'Toufik' Mediène establishing himself, in many people's views, as the most powerful man in Algeria.¹⁴³ Indeed, for much of this time, from late-2009 until September 2013, President Bouteflika often looked more like a lame-duck president, with General Mediène appearing to be pulling most of the strings of political power.

Then, in September 2013, President Bouteflika moved to undercut the power of Mediène and his DRS, dismissing or retiring several of the DRS' top generals and transferring

several of its key operational units to the control of the army chief of staff and deputy defence minister General Gaïd Salah, a staunch ally of President Bouteflika.



President Abdelaziz Bouteflika
Agência Brasil, CC 3.0

Three months later, in December 2013, Bouteflika announced the creation of a Special Commission on Security. Its specific task was to review and confirm the 'retirement' of the senior DRS officers dismissed in September, as well as many others whose careers in the DRS were rumoured to be coming to an end. One of these, whose "retirement" was confirmed by the

¹⁴³ Keenan, J., "General Mohamed 'Toufik' Mediène: 'God of Algeria'." *Al Jazeera*, 29 September 2010. Accessed at:

<http://www.aljazeera.com/indepth/briefings/2010/09/201092582648347537.html>

Special Commission on 13 January 2014, was General Hassan. No mention was made of Mediène.

Some three weeks later, on 3 February 2014, the presidency launched an unprecedented attack on the DRS chief. It came in the form of a highly publicised interview by the Algeria's online news service *Tout sur l'Algérie's* Katia Mehdi with Amar Saâdani,¹⁴⁴ the presidency's political hatchet man, who had recently been parachuted in as Secretary-General of the ruling FLN political party.

The thrust of Saâdani's interview was that the DRS under Mediène had a long category of failures for which he should resign. The specific failures mentioned by Saâdani were the DRS' failures to protect:



Amar Saâdani

- President Mohamed Bou-diaf, who was assassinated in 1992.
- The Tibhirine monks, who were kidnapped and murdered in 1996.
- Abdelkader Benhamouda, who was assassinated in 1997.
- The oil installations in the South (i.e. at In Amenas), which were attacked in January 2013.
- The UN employees who were killed in the 2007 bomb attack in Algiers.
- The "Palais du government".

¹⁴⁴ Katia Mehdi, "Amar Saâdani dégage une violente charge contre le Général Toufik." Un entretien à TSA, 03 February, 2014. Accessed at: <http://www.tsa->

[algerie.com/actualite/item/4588-dans-entretien-a-tsa-amar-saadani-degaine-une-violente-charge-contre-le-general-toufik](http://www.tsa-algerie.com/actualite/item/4588-dans-entretien-a-tsa-amar-saadani-degaine-une-violente-charge-contre-le-general-toufik)

- The president himself who was targeted by an assassin in Batna in 2007.

In mentioning these specific failures, Saâdani broke one of the regime's most sacred taboos. Almost every Algerian and Algeria-watcher knows that these specific incidents were not just 'failures' by the DRS, but were almost certainly undertaken by the DRS on the specific orders of Mediène.

Having crossed a red line, Saâdani then went further. In a long tirade, which became increasingly personal, touching the rawest nerves of the regime, he accused Mediène's DRS of interfering in every institution of the country - political parties, the ministries, the judiciary, the press, state-owned companies – at the expense of the country's security.

Saâdani's extraordinary intervention could only be interpreted in

one way: Mediène's time was up. Two days later, at around midnight on the night of 5-6 February, a report in the Arabic online version of *El Khabar* said that Bouteflika had finally ordered the 'retirement' of DRS boss General Mohamed 'Toufik' Mediène and 100 senior officers from the *Armée Nationale Populaire*, Gendarmerie and DRS who had allegedly reached retirement age.



Mohamed 'Toufik' Mediène
Al Jazeera

The assault on Mediène had clearly begun. But, his 'retirement' was not to be effected for another 17 months, until 13 September 2015, two weeks after Hassan's second arrest on 27 August 2015.

At some point shortly before the publication of *El Khabar's* 'leaked' report on Mediène's retirement, General Gaïd ordered General Hassan's arrest and for him to be brought before the military prosecutor at Blida to answer certain charges.¹⁴⁵ Bringing charges against Hassan, who was always only acting on Mediène's orders, was the strategy adopted by the presidency and General Gaïd Salah, the army chief of staff, to incriminate Mediène.

When Hassan refused to respond to the summons, General Lakhdar, who had recently replaced General M'henna Djebbar as head of the DRS' *Direction Centrale de la Sécurité de l'Armée* (DCSA), was sent to try and obtain Hassan's co-operation, but Hassan again refused. Then, on Wednesday 5 February, a few hours before the leaked report of Medi-

ène's retirement, Gaïd Salah ordered that water and gas be cut off to Hassan's home and that three sections of the gendarmerie be mobilised to arrest him. When Hassan again refused to comply, the gendarmes broke down the door of his house and he was taken by force. On 7 February, Hassan was ordered to appear before a military judge and/or prosecutor in charge of the pre-trial investigation at the Blida military tribunal.

Hassan was to be questioned on the extremely serious - treasonable - charges of "creating armed groups, retaining and withholding disclosure of weapons of war, making false statements of weaponry stocks used or placed at his disposition in the course of his exclusive prerogatives in the fight against terrorism".

¹⁴⁵ News of this arrest did not reach the media until 8 February 2014. It was then reported in most of the Algerian press,

starting on 8 February, with almost continuous reporting and commentary over the next five or more days.

No details of the charges leveled against Hassan were released at the time. Whether they may have related to the DRS' involvement in the In Amenas attack or the DRS' support for the Islamist insurgency in Mali, or other DRS 'terrorist' activities, was left to speculation, although subsequent reports, mostly written by Salima Tlemçani in *El Watan*, indicated that the 'technical' evidence against Hassan related to the DRS' provision of arms and other support to the 'terrorist groups' (Islamist insurgents) in Mali.

Then, around 13 February, with the state facing a potential political crisis, everything went quiet. Nothing more was heard of either Hassan, his imminent trial or the charges against him until 27 August 2015, 18 months later, when it looked as if the same scenario was about to repeat itself.

What happened?

IV.4.ii. DRS involvement in Tunisia and US intervention

Although the reason(s) why the Hassan trial was stopped in its tracks in mid-February 2014 will remain a closely guarded secret, it was almost certainly due to the intervention of the US, in the same way that DNI James Clapper was to intervene 17 months later when Hassan was again arrested with the same or similar charges against him re-emerging.

The evidence that we have, although initially only from a single source (until confirmation on 6 October 2015), suggests that the main clue to what happened to the Hassan trial may lie in Tunisia.

Since the start of the 'Arab Spring' in Tunisia in late-2010 and early-2011, there have been a stream of allegations about the involvement of Algeria's DRS in trying to prevent the emergence of demo-

cratic governance in Tunisia and what Habib Souaïdia, the former Algerian army officer who reached international fame in 2001 with his publication of *La Sale Guerre* (The Dirty War),¹⁴⁶ calls the “democratic contagion of Algeria.” By that, Souaïdia meant that the Algerian regime feared that democratisation could spread from Tunisia to Algeria. Its response, through the DRS, was to try to destabilise Tunisia’s fledgling new government.

During 2015, Tunisia experienced two massive terrorist attacks. On 18 March, 20 foreign tourists, 2 Tunisians and 2 perpetrators were killed when gunmen attacked Tunis’s Bardo Museum. On 26 June, a gunman killed 39 people, mostly foreigners, in another bloody attack at the tourist resort of Sousse.



Habib Souaïdia

It transpired that the leader of the Bardo attack was of Algerian origin. On 22 March, Tunisia’s new President, Beji Caid Essebsi, said, visibly upset, in an interview with the French TV channel *I-Tele*: “Whenever a terrorist group is flushed out in Tunisia, it has an Algerian leader.”

Shortly after the attack, Souaïdia published another and far more serious indictment of the Algerian regime and its DRS.¹⁴⁷ Souaïdia

¹⁴⁶ Habib Souaïdia, *La sale guerre. Le témoignage d’un ancien officier des forces spéciales de l’armée algérienne, 1992-2000* (The Dirty War: The testimony of a former officer of the special forces of the Algerian army, 1992-2000). Preface by Ferdinando

Imposimato, *La Découverte*, 2001, 203 pages.

¹⁴⁷ Habib Souaïdia “De l’assassinat d’Hervé Gourdel à la destabilisation tunisienne: manipulations et intox des services secrets algériens.” *Algeria-Watch*, 27 April 2015. Accessed at:

quoted Algeria's Interior Minister, Tayeb Balaïz, who said at the time of the attack that "Terrorism has no nationality, no country, no religion, no colour and no humanism. It can manifest itself in any territory and I make no difference between terrorists whatever their

name." Souaïdia suggested that one of those "names" is that of the DRS. In fact, Souaïdia went much further, saying that he had been informed by many of his former colleagues [in the Algerian Special

Forces] that the leaders of some of the jihadist groups sowing terror in Tunisia "take their orders from Algiers."

Souaïdia went on to say that

Souaïdia went much further, saying that the leaders of some of the jihadist groups sowing terror in Tunisia "take their orders from Algiers."

following the military suppression of terrorist activity in Tunisia's Mount Chaambi border area in 2013, the Tunisian army recovered the mobile phones and SIM cards from the bodies of several Algerian jihadists killed in the region. An

analysis of the SIM cards by the Tunisian army revealed their communications with DRS officials in Algiers, including their phone numbers and even their nicknames.

Most of the terrorists in the Mount Chaambi area are believed to have moved into the region after the French military flushed them out of Mali earlier in 2013. There, they had mostly been part of AQIM, whose objective in

http://www.algeria-watch.org/fr/article/souaïdia_herve_gourdel.html

For a summary and commentary on this article (in English), see: Keenan, J., "Habib Souaïdia and Algerian state crime."

International State Crime Initiative (ISCI), 8 July 2015. Accessed at:

<http://statecrime.org/state-crime-research/habib-souaïdia-algerian-state-crime/>

Mali was to weaken the Tuareg rebels who had taken control of most of northern Mali (“Azawad”) and also destabilise Mali as part of an Algerian-backed Islamist insurgency. AQIM’s leader in the area, now dead, was Abdelhamid abou Zaïd, another DRS operative and the brother of Mohamed Ghadir, the owner of BAAT SARL (see III.1.v.). AQIMs forces in Mali were supplied and supported by Algeria’s DRS with food, fuel and, as we learnt in early 2014, arms delivered by General Hassan and belonging to Algeria’s army.¹⁴⁸

Souaïdia’s evidence from Tunisia throws a great deal of light on the bizarre situation in which General Hassan found himself in January-February 2014.

Souaïdia does not give us the date when the Tunisian army found the SIM card links between the Mount

Chaambi fighters and the DRS, nor the date that the Tunisian authorities handed the evidence over to the US intelligence services, who, in turn are said by Souaïdia to have asked Algeria’s army chiefs to put a stop to this practice once and for all. The date would have been at some time in the latter part of 2013 and most likely close to the end of the year.

This possibly explains Algeria’s creation in December 2013 of its ‘special commission on security’ (see IV.4.i.) under the control of General Gaïd Salah and the presidency in an attempt to get on top of those DRS’ counter-terrorism officers, such as General Hassan, who maintained and managed these suspect ties with jihadists.

Hassan was ‘retired’ (dismissed) on 13 January 2014 and arrested some 3-4 weeks later. Souaïdia believes

¹⁴⁸ An interview with a Nigerian military officer (personal communication) suggests

that the DRS also paid weekly salaries to AQIM fighters.

that the charges brought against him related to the evidence obtained from the SIM cards, now in the hands of the Americans, and his fostering of terrorism in Tunisia.

Confirmation of Souaïdia's evidence came on 6 October 2015 through an interview with Hocine Malti, a former vice-president (1972-75) of Sonatrach, the Algerian national oil company, in the Algerian newspaper *Le Matin* ¹⁴⁹. Malti confirmed that the SIM cards, detailing the terrorists' links to the DRS, had been discovered by the Tunisian authorities and handed over to the Americans.¹⁵⁰

Malti is also of the view that it was this incident, more than any other, that made US and UK intelligence services decide that 'enough was enough' and that Mediène and his DRS would have to go.

The most serious charge against Hassan was that of "creating armed groups", by which was meant 'terrorism groups'. At the time of his first arrest (February 2014), it was not made clear, at least not publicly, as to whether this applied to his 'creation' and support of the Mount Chaambi terrorists operating in Tunisia, those in Mali whom the DRS supplied with arms during 2012, or, as became clear after his second arrest, those who

¹⁴⁹ "Hocine Malti à propos du limogeage de Toufik: 'Bouteflika a obéi aux Américains'". *Le Matin*, 06 October 2015. Accessed at:

<http://www.lematindz.net/news/18738-hocine-malti-a-propos-du-limogeage-de-toufik-bouteflika-a-obei-aux-americaains.html>

¹⁵⁰ On 25 December 2013, the 50th anniversary of Sonatrach, Hocine Malti, a founding engineer of the company and its former vice-president, wrote an open

letter to the Algerian people entitled: "Sonatrach: Algeria's Energy Company, 50 Years Later." The letter was translated into English by US academic Rob Prince and published on numerous websites including that of *Foreign Policy in Focus* (FPIF). Malti's letter, re-titled as "Algeria's Energy Company Sonatrach: 50 Years of Corruption" can be accessed at: <http://fpif.org/algerias-energy-company-sonatrach-50-years-corruption/>

attacked In Amenas in January 2013. It now appears that the reality, if not the charges, probably applies to all three.

What Souaïdia may not have known is that in addition to the string of treasonable charges levelled against Hassan, there was also a technical, legal basis

for charging him. This was that Hassan was responsible for recovering the weaponry that the Algerian

At that moment, between 12 and 13 February 2014, Algeria fell silent.

army had covertly supplied to the AQIM 'terrorists' involved in the Islamist insurgency in Mali in 2012 and returning it to its original army depots. However, as this was a secret operation, Hassan had to move the weaponry across Algeria without notifying the administration of each *wilaya* (province) being traversed, as required by law.

Thus, by not notifying the regional administrations of his covert operation, he had technically fallen foul of the law and opened himself up, if the Defence Ministry chose, to being charged.

Hassan's arrest led to a riposte from the DRS, in the form of a vituperative article from retired

army general Hocine Benhadid against Bouteflika and Gaïd Salah that was as vicious and hard-hitting as Amar Saâdani's

3 February attack on General Mediène (see IV.4.i.).¹⁵¹

At that moment, between 12 and 13 February 2014, Algeria fell silent. The political infighting, which threatened to tear the regime apart, stopped. Although there is no smoking gun, many reliable sources believe that the US stepped in.

¹⁵¹ Hocine Benhadid, "Bouteflika doit partir dignement et Gaïd-Salah n'est pas credible." *El Watan*, 12 February 2014. (Also reproduced in most of Algerian

media on same date). Accessed at: http://www.algeria-watch.org/fr/article/pol/anp_presidence/benhadid_itv.htm

Washington could not afford its key regional ally to implode in this way through such vicious infighting between the regime's two main poles of power: the Bouteflika presidency supported by army chief of staff General Gaïd Salah on the one hand, and General Mediène's DRS on the other. Nor could it afford the secrets of General Hassan's and the DRS' dealings with terrorist groups to fall into the public domain as a result of such political infighting within the Algerian regime. The reason for that was because US intelligences services and the DRS had been working together as close allies in the so-called war on terror since 2002 and would inevitably, and quite correctly, be seen as having been complicit in whatever 'false-flag' and other such questionable operations had been conducted by the DRS since 2002.

It is not known what sort of pressure the US exerted on its ally.

Nor do we know what sort of deal was made between Mediène and his enemies in the Bouteflika presidency and army high command. All we know is that a meeting took place at around this time in the DRS' headquarters in the Algiers suburb of Ben Aknoun at which US and UK intelligence officials were reportedly present. Whether that meeting was to deal with Algeria's destabilisation of Tunisia, or the Hassan arrest and possible trial, or both, is not known.

What we do know is that nothing more was heard of General Hassan or the charges against him for another 18 months, until 27 August 2015, and that DRS chief General Mediène was left in post, albeit in charge of an increasingly emasculated DRS, until 13 September 2015.

IV.5. Why 18 months elapsed before Hassan was re-arrested

If the US intervention in February 2014 saved the day by negotiating some sort of deal between Algeria's warring factions (see APPENDIX IX) that succeeded in sweeping the DRS' involvement in 'terrorism' under the carpet, the key question is why the whole affair re-emerged 18 months later. In short, why was Hassan arrested again on the same or similar charges on 27 August 2015?

In terms of Bouteflika's and Gaïd Salah's motives and strategy, things had not changed. If charges were brought against Hassan, his defence would obviously be that he was working under the orders of Mediène, thus enabling the presidency and chief of staff to bring treason charges, or the threat of treason charges, against Mediène himself, thus enabling them to dismiss him from office without much fear of his residual 'silent' power.

However, if the strategy of bringing charges against Hassan for the purpose of incriminating Mediène had not changed in the intervening 18 months, the relative weight and considerations surrounding other factors had.

At least three, and possibly four, of the factors to be considered in using the Hassan case for this end had changed – at least relatively. These four factors are explained below (see: IV.5.i-iv).

IV.5.i. A more powerful army and a more complete de-mediènisation

In terms of the political balance of power between the presidency and army on the one hand and the DRS on the other, not only had the DRS been further weakened during the course of 2014 and 2015, but the army, in contrast, had reached an almost iconic status.

Reasons for this change go beyond

the scope of this Report. However, the main changes can be itemized.

On the DRS side, further powers had been removed from the DRS during 2014 and 2015, such as its judicial powers of arrest and the presence of DRS senior officers (colonels) in all ministries, senior administrative units (e.g. regional government) and state-owned companies.

Moreover, the process of demédiénisation, that is the presidency's removal of key personnel known or thought to be sympathetic to Mediène, had been proceeding apace, thus progressively diminishing Mediène's ability to use his potentially powerful network to strike back at the Bouteflika-Gaïd Salah alliance.

The net result was that by the time of Hassan's second arrest on 27 August 2015, Mediène was still in office as director of the DRS, but in charge of little more than an empty shell.

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In contrast, the army, by the time of Hassan's second arrest, had restored much of its former iconic status. Through the spring

and summer of 2015, and especially through the Holy month of Ramadan (June 17 – July 17), General Gaïd Salah, chief of the general staff, and the Defence Ministry, ran a well-coordinated media campaign to place the army rather than the DRS at the centre of the 'security state'.

During the month of Ramadan, General Gaïd Salah, in his dual role of deputy defence minister and army chief of staff, undertook a very high profile tour of the military

regions, exhorting the army to ever higher vigilance in its role of ensuring the country's security. Speech after repetitive speech was heavily promoted through the state media in a propaganda campaign to return the army to its central and iconic status as the main defender of the country and its people, a role which, since the army fired on and killed hundreds of demonstrators in October 1988, had been increasingly usurped by General Mediène's DRS.

IV.5.i.a. Events in Ain Defla

This more central, public role of the army received a major boost from events that took place in the Ain Defla wilaya (province) during the night of 17 July, the holy festival of *Eid al-Fitr* that marks the end of Ramadan. During that night, nine soldiers were killed in an ambush in Ain Defla. The killings by alleged terrorists on such a holy night were given nationwide headlines. A day

or two later, a follow-up operation by the army, which resulted in some 20 or so militants being killed, was portrayed as a heroic achievement by the army.

The army immediately publicised the event through the media, posting gruesome photographs and videos of the "revenge of the army", mostly on Facebook. Photographs were also shown of local people swarming around and welcoming the soldiers.

The public broadcasting of these events not only placed the army centre stage, but generated an extraordinary wave of nationalist fervor and support for the army.

However, not long after the Ain Defla engagements, questions began to be raised on social media, and tentatively in some of the mainstream media, about what actually happened in Ain Defla. There is no doubt that at least nine soldiers

were killed. However, questions were being raised about the identity of the militants. Some Facebook and other social media comments suggested that this may have been another case of the security forces, in this case the former DRS' DCSA directorate, which was now under the control of the army, taking imprisoned 'terrorists' from jail to fight another battle and then having them 'sacrificed' in the army follow-up operation.

Suspicion that the events in Ain Defla may not have been

quite as they were reported by the defence ministry, and may even have been another 'false-flag' operation, was raised by the photographs and videos released by the army. For example, photographs published by the army of local people allegedly welcoming soldiers in Ain Defla at around the time of the July incidents were

fakes. The photographs were, in fact, of spectators entering or leaving a football match in the winter. There are also suspicions that the pictures of some of the dead militants, released by the army in the social media, could be identified as being 'from the prisons'. In short, there was growing suspicion that what happened at Ain Defla was not only a war crime in terms of the

There was growing suspicion that Ain Defla was not only a war crime, but that it may have been another 'false-flag' operation.

way the army mutilated and abused the bodies of the dead 'terrorists', but that it may have been another 'false-flag' operation.

Either way, it induced a nauseating wave of very public, nationalistic support for the army, which almost certainly emboldened the army high command to move with more alacrity against Mediène's known or suspected supporters.

IV.5.i.b. Events at Zeralda

It may well have been this wave of nationalistic support for the army that encouraged the presidency a few days later (23-25 July) to dismiss three more top security generals, including General Medjdoub, head of the presidential security service, who fell under the DRS command.¹⁵² The authorities gave no explanation for the dismissals, although they were clearly associated with an alleged breach of security at the presidential residency at Zeralda, just west of Algiers.

At some time during the evening or night of 16-17 July, shooting was reportedly heard in Zeralda. The authorities gave no official statement but generally let it be known that it was an attempted assassination attempt on either the President Abdelaziz Bouteflika, or,

more likely, his younger brother, Saïd Bouteflika.



Saïd Bouteflika
Pedrolove92, CC 4.0

Six soldiers, one of whom was a lieutenant, were charged and given a secret trial in mid-September at the Blida military court. The wording of the charges against the men was not released, but believed to have centred on the alleged assassination attempt.

The result of the trial was wholly unexpected. The five soldiers were acquitted and the lieutenant, who had originally claimed to hear the

¹⁵² They were: General Djamel Kehal Medjdoub, head of the presidential security service; General Ahmed Moulay Meliani, head of the Republican Guard,

and General Ali Bendaoud, head of the DRS' Internal Security Directorate (DSI) and counter-espionage service.

shooting, sentenced to three years imprisonment.

The story the lieutenant put to the court was that he foiled what was a presumed assassination attempt. His version of events was that he had returned fire after being shot at by one of the gunmen. That, he said, had sparked panic around the residency.

However, the lieutenant's story did not match the ballistics evidence, which revealed that all the bullets fired had come from the lieutenant's gun. There was no evidence that any other weapon had been fired. Hence the acquittal of the five soldiers and the sentencing of the lieutenant. This tended to confirm what most people believed, namely that the whole incident was a ruse, organised by the presidency and Gaïd Salah, to justify the dismissals of the three generals and the further de-médiénisation of the security services.

Gaïd Salah's response was to sack the two officials responsible for managing the trial, General Mohamed-Laïd Guendouz and Colonel Ahmed Zerrouk.

Thus, by end-July, the DRS had been almost completely de-médiénised of its top generals. By the end of August, with General Hassan under arrest and in detention, the way was open to remove Mediène himself.

IV.5.ii. The economic damage to In Amenas is now in the past

A second reason why it was more appropriate to move against Hassan in August 2015 than February 2014, was that it was a further 18 months after the In Amenas attack.

The In Amenas attack did Algeria immense economic and reputational damage. However, by August 2015, the plant was

reportedly up and running again, with new security arrangements in place, and with the economic damage so far in the past that it was qualifying as 'history'.¹⁵³

IV.5.iii. Life after 'Toufik' can only be better

When the Bouteflika-Gaïd Salah alliance ordered the arrest of Hassan on 27 August, it clearly knew that General 'Toufik' Mediène's dismissal was to follow shortly. That would mark the end of an era, and the beginning, as we are now experiencing of 'Life after Toufik'.

Within days of Mediène's dismissal, officially his 'retirement', on 13 September 2015, the Bouteflika presidency was moving to try and show that 'life after Toufik' was

better. The presidency was now in the perfect position to blame all of its own, and Algeria's recent past difficulties and setbacks, as well as its wrongdoings, on Mediène and his DRS. Indeed, since Mediène's dismissal on 13 September, the presidency has blamed most of its own shortcomings, such as political exclusion, the lack of democracy, the delays in constitutional reform, etc., on the dead-hand of Mediène.

Since Mediène's dismissal, the presidency has blamed most of its own shortcomings on the dead-hand of Mediène.

The dismissal of Mediène was used by the Bouteflika presidency to give the country the sense of a 'fresh start', the beginning of a 'new era' and whatever other labels the Bouteflika-Gaïd Salah propaganda team could invent for the post-Mediène era. But it was short-lived. That was because the economic crisis caused

¹⁵³ Reports in the Algerian media that In Amenas was fully up and running again were not true. Sonatrach announced that

the Tiguentourine's 3rd train was fully repaired on 27 July 2016.

by the oil price fall was forcing the government into austerity measures that were increasing the daily hardship of most Algerians, thereby increasing the threat of social unrest and the regime's need for even greater repression.

However, since the dismissal of Mediène, the Algerian regime has been blaming most state crimes, notably the embezzlement of state funds and other 'economic' crimes, on Mediène's DRS (now abolished) and his core group of Generals at the top of the DRS,

virtually all of whom have now been dismissed. The key example of this has been what is known as the 'Sonatrach scandals'. Following an investigation by the DRS through 2009-2010, the energy minister at that time, Chakib Khelil, was found to be at the centre of a massive

corruption scandal involving the payment of bribes for contracts with the state-owned oil company Sonatrach. The major scandal involved the payment of 198 million euros by an Italian company. An international arrest warrant was issued against Khelil and his co-perpetrators. However, on 17



Chakib Khelil
Presidencia de la Nación Argentina, CC 2.0

March 2016, Khelil returned to Algeria from a five-year exile to a red carpet reception from the government. In the following two months, he was feted around the country by the presidency and government in an attempt

to rehabilitate him into Algerian public life, possibly, as many Algerian media outlets believe, as the successor to the ailing President Bouteflika. The propaganda being put out by the Algerian government between the time of Khelil's return in March 2016 and the publication

of this report some two months later is that Khelil is innocent and the charges against him were false and trumped up by Mediène's DRS to embarrass the Presidency.

Although the Algerian government appears to be dropping all charges against Khelil as part of his very public 'redemption' and rehabilitation, the evidence from court hearings in Italy, the 'Panama Papers' and elsewhere, indicates that Khelil, a close friend and confidante of President Bouteflika, presided over massive bribery scandals and the embezzlement of state funds. Such corruption, exposed by the DRS, has been one of the hallmarks of the Bouteflika presidency, and one reason why the economic crisis currently overwhelming the country is so deep.

IV.5.iv. Grudges get deeper with time

The fourth factor, and one that seemed likely at the time of Hassan's second arrest to be a key driver in any further action against the DRS General, is that Bouteflika is a vindictive man and one who bears grudges. Further action, as described below, in the form of a court trial took place on 26 November.

Bouteflika's grudges against Algeria's military and its secret service go back a long time, to the death of President Houari Boumediene in 1978 when Bouteflika considered himself the rightful successor but was passed over by the military. When he finally came to office in 1999, he made it very clear that he did not want to be what he called a 'three-quarters' president, beholden to the army.

However, since late-2009, for a number of regime-defining reasons that are explained in APPENDIX IX, the relationship between the Bouteflika and Mediène camps became increasingly personal and acrimonious.

In the week after Hassan's 27 August arrest, a consultancy briefing that "unless the Americans or some other third party can exercise a restraining influence, the vindictive nature of Bouteflika, his younger brother and probably also Gaïd Salah, is likely to see Hassan being run through some sort of court procedure and imprisoned for a long term."¹⁵⁴ That, as described in the next section, is precisely what happened on 26 November

IV.5.v. General Hassan's trial

General Hassan stood trial on 26 November, three months after his arrest on 27 August. During those intervening three months, the big question was whether he would face a court trial in view of the leaked charges against him that he had armed the terrorists who had attacked In Amenas.

There were at least two ways of speculating on this question. One was that Hassan would be brought to trial and charged, amongst other things, with arming the In Amenas terrorists. He would presumably be found guilty, thus enabling the Bouteflika presidency to garner some international credibility, goodwill and sympathy by showing the world that it was not the Bouteflika presidency that was to blame for the In Amenas terrorist

¹⁵⁴ Written by the author for Menas Associates (London), a subscription-based consultancy.

attack, but the machinations of General Mediène and his DRS.

The second way of looking at the Hassan case is that the US would do everything it could to prevent such disclosures about the DRS' involvement in In Amenas, as such disclosures would inevitably do far more damage to Washington than Algiers.

In the end, it seems that a combination of both strategies prevailed. The presidency and Gaïd Salah clearly wanted Hassan punished and imprisoned, but without any reference being made to the In Amenas attack. Both were achieved, in what will almost certainly live in Algeria's post-independence history as one of its most political and spurious trials.

**The Hassan Case:
What will
almost certainly
live in Algeria's
post-
independence
history as one of
its most political
and spurious
trials.**

Following the decision of the Blida military court over the Zeralda shooting (see IV.5.i.b), Gaïd Salah purged the military courts of well over a dozen military judges and prosecutors, replacing them with his own placements who would ensure that his instructions were carried out. This included the Mers El Kebir military court near Oran where Hassan's trial was held on 26 November. It lasted barely ten hours.

The trial was held in secret, behind closed doors. Neither Hassan's family, journalists nor any other member of the public were allowed to attend. Nor was Hassan allowed to call his own witnesses in his defence, mostly notably General Mediène who would have stated that Hassan was working on his orders.

The charge sheet, possibly at Washington's request, made no reference to In Amenas. Instead, it was limited to just two trumped up charges of 'destroying documents and disobeying military instructions', but without any details being given. In other words, it is still not known what documents Hassan is alleged to have destroyed or what orders he is alleged to have disobeyed. Indeed, it is not known how many witnesses were called to give evidence against Hassan, nor their identities. After the trial, Hassan's lawyer said that one prosecution witness was a suspected smuggler, while another was an officer who had been retired by General Hassan for reasons that Hassan's lawyer, Khaled Bourayou, did not mention. We are therefore left with the impression that the case against Hassan, which has still not been revealed, was based largely on the

evidence of these two seemingly unsuitable witnesses.

Hassan's lawyers also stated that he was deprived of several legal rights from the time of his arrest until the judgment. They also said that the court's orders were not transmitted to Hassan's lawyers, thus preventing them from acting on his behalf. Hassan was, as his lawyers told the media afterwards, "a collateral victim of the ferocious clan war being waged at the highest level of politics".¹⁵⁵

The two most pertinent reactions to Hassan's trial and sentence came from Khaled Nezzar, the former Defence Minister and Algeria's political and military 'strongman' of the 1990s, who effectively orchestrated the army's coup d'état of 1992 that led to the civil war of the

¹⁵⁵ "General Hassan sentenced for disobeying orders." *Al Jazeera*, 27 November 2015. Accessed at:

<http://www.aljazeera.com/news/2015/11/algeria-jails-counterterrorism-chief-151127134033412.html>

1990s, and General 'Toufik' Mediène himself.

Writing in *Algérie Patriotique*¹⁵⁶ on 28 November, Nezzar said that the court's judgment was "criminal and infamous". He also confirmed that he had a copy of a letter sent by General Mediène, while he was still in office, to President Bouteflika, in which he explained the "ins and outs of the case" and that "as General Hassan's immediate supervisor, he [Mediène] was



Khaled Nezzar

responsible for everything that he [Hassan] could be criticised for and he [Mediène] therefore bore full responsibility for it."

As for the charge of 'destroying documents', Nezzar made the point that "every country in the world has a Secret Service to protect and ensure its sovereignty," and that in the case of covert intelligence operations "it is the rule for the officials involved in them never to reveal their sources or the members of the networks who assist them." That, explained Nezzar, makes the destruction of documents relating to such operations both necessary and understandable.

Hassan's specialism in the DRS's alleged fight against terrorism was in the infiltration of militant groups. That was the DRS' modus operandi, and had been since the start of the 'Dirty War' of the 1990s. In such operations, secrecy is a priority. Operations are handled on a 'need to know basis', with perhaps even the highest levels of state 'not

¹⁵⁶ *Algérie Patriotique* is a Swiss-based online news service owned jointly by the two sons of Khaled Nezzar and General

Mediène. There has been no response to this purported letter, nor is it known whether Bouteflika received it.

needing to know.’ In such operations, documents are rarely used and, when they are, it is the unwritten duty of those handling them to make sure there is no trace of them. The destruction of documentation is invariably the rule, not the exception.

There is also the question, raised by important members of the opposition, as to why Hassan, if he had committed these offences in the past, was not charged at the time. Why wait until two years after his retirement? The answer is that the case had more to do with the political infighting between the Bouteflika-Gaïd Salah clan and Mediène’s DRS than the details of the charges presented.

Mediène’s response to the trial came on 4 December in an open letter to the Algerian media.¹⁵⁷ It attracted international attention, as it was the

first time that Mediène, the longest-serving (25 years) intelligence chief in the contemporary world, had ever made a public statement.

Extracts from Mediène’s letter, which denounced the sentencing of General Hassan and demanded justice for him, read:

“The most urgent thing today is to put right the injustice done to an officer who served his country with passion and to restore the honour of men like him who were dedicated to the defence of Algeria.

“Concerning the operation which prompted the accusation of breach of general orders, I affirm he handled it in full respect of normal procedures and gave updates at the appropriate moments.

¹⁵⁷ “Le général Toufik rompt le silence”. *El Watan*, 4. December 2015.

“After the convincing results of the first phase of the operation, I congratulated him and those working with him and encouraged them to exploit all the opportunities offered by their success.”

Two questions stem from Hassan’s trial. The first is whether it succeeded in sweeping under the carpet the DRS’s involvement in the In Amenas attack, as evidenced in the initial charges against Hassan of arming the In Amenas terrorists. The second is whether the Bouteflika-Gaïd Salah axis will move further against Mediène himself, possibly through a judicial investigation and with the Hassan case (and perhaps other such verdicts) now raged against him.

The answer to the first question is uncertain. The trial was successful in so far as it achieved the aim of the Bouteflika-Gaïd Salah clan in having Hassan imprisoned. It was also

successful in that it was politically managed in such a way as to protect US and British interests regarding their collusion with the DRS and especially the DRS’ involvement in the In Amenas attack. However, the nature of the ongoing infighting within the Algerian regime is such that further evidence of the DRS’ involvement in the In Amenas attack could almost certainly be expected to emerge in the coming months and years. Indeed, that is precisely what has happened, as detailed below in terms of evidence from Japan (see: IV.5.vi) and the Hillary Clinton emails (see: IV.7).

At the time of publication of this Report in November 2016, there is clear evidence that the Bouteflika-Gaïd Salah axis is planning further moves against Mediène and some of his senior supporters, such as former defence minister Khaled Nezzar. This is not at all surprising, as there were clear signs immediately after Hassan’s trial

that the presidency and Gaïd Salah were paving the way for such moves. For example, on 30 November, less than four days after General Hassan had been sentenced to prison, General Djamel Kehal Medjdoub, the head of President's security who was dismissed in July following the Zeralda incident (see IV.5.i.b.), was placed under judicial supervision by the Blida military tribunal. Four of his aides, all senior officers, were also arrested.

Within some 48 hours of his arrest, Medjdoub, like Hassan, had been tried behind closed doors, convicted of unknown charges (reported to be "negligence" and the "violation of military rules"), and sentenced to three years in prison. The operation was managed so quickly that news of Medjdoub's conviction and sentence only leaked into the press on 3 December.

While the Hassan and Medjdoub 'convictions' could certainly be

used to build a strong case against Mediène, placing him on trial would be a very dangerous move as it would almost certainly unleash a counter reaction from forces still loyal and sympathetic to him. More likely, the Bouteflika-Gaïd Salah camp will attempt to frighten and weaken Mediène, pointing out what might happen to him if he or his supporters should try and move against the Bouteflika-Gaïd Salah regime.

In June 2016, the presidency had rushed in new legislation to 'gag' retired senior army officers, such as Mediène, from making public statements. By July, there were reports that the government was threatening to use the new legislation against both Khaled Nezzar and Mediène himself. But, with a regime that has its political and economic back against the ropes, nothing can be ruled out.

IV.5.vi. Evidence emerges in Japan of DRS' betrayal of terrorists

As suggested in the previous section, more and more evidence of DRS involvement in the In Amenas attack is likely to leak out as Algeria's current political and economic crises deepen and political infighting within the regime intensifies.

One such example occurred in Japan, which suffered the largest number of foreign nationals killed at In Amenas. 10 employees of the Japanese engineering firm JGC Corp lost their lives. On 5 December 2015, almost three years after the In Amenas attack, Japan's *Nikk-an-Gendai*¹⁵⁸ newspaper

Japan's *Nikkan-Gendai* newspaper claimed to have acquired audio intercepts from the final deadly battle in the Tiguentourine plant.

claimed to have acquired audio intercepts from the final deadly battle in the Tiguentourine plant, which indicate that the terrorists believed they had a safe-harbour understanding with Algerian military commanders.

One section of the audio recording, which *Nikkan-Gendai* made available to other news agencies such as the *Mail Online*,¹⁵⁹ includes "the voice of a terrorist named 'Abdul Afman' saying, 'The army has

violated the pledge and has deceived us! They [the Algerian army] have struck the vehicles carrying the hostages and our friends, and everyone was killed!'"

¹⁵⁸ *Nikkan-Gendai* is a Japanese language newspaper published in Tokyo.

¹⁵⁹ David Martosko, "Shocking audio suggests Algerian army killed dozens of innocents during 2013 siege-ending attack on al-Qaeda hostage-takers." *Daily Mail*,

15 December 2015. Accessed at: <http://www.dailymail.co.uk/news/article-3361273/Shocking-audio-suggests-Algerian-army-killed-dozens-innocents-2013-siege-ending-attack-al-Qaeda-hostage-takers.html - ixzz3ueD4RboU>

Another of the terrorists, Abderrahman, is heard transmitting a distress call shouting "The Algerian (government) doesn't keep its word!"

According to *Nikkan-Gendai*, all the intercepted conversations were conducted in an Algerian dialect of French, lending credibility to the argument that they're authentic. *Nikkan-Gendai* also reported that it compared the voices with others on YouTube videos known to belong to the people it identified.

If the terrorists were armed by the DRS' General Hassan, as the three captured terrorists' confessions allege, then it must be presumed that some sort of deal had been done between the terrorists and the DRS, along the lines of a 'false-flag' operation that went disastrously wrong. If that was the case, then this sort of reaction is exactly what we might expect to hear. When the terrorists found the army firing on

them, they would have felt that they had been betrayed. On face value, this would appear to be strong evidence of some sort of arrangement between the terrorists and the Algerian security forces, presumably the DRS.

The emergence of these audio intercepts raises a number of pertinent questions. The first and most obvious is why they have appeared almost three years after the event. The second is whether they are authentic and how *Nikkan-Gendai* acquired them.

The fact that they seem to have been acquired by *Nikkan-Gendai* around the time of General Hassan's arrest and trial suggests that the timing of its publication may not have been coincidental. They could therefore be a deliberate leak from aggrieved members of the DRS or other

sources angered at developments in Algeria.

If the intercepts are genuine, it must be asked why no mention of them was made at the London inquest. A considerable amount of communications chatter was collected from phone traffic between many of the

parties involved in the four-day In Amenas siege, including conversations between the terrorists and BP and BP's intelligence and security advisors. As far as the author is aware, all

of those communications were made available to British intelligence, the Metropolitan Police and the Coroner's Counsel.

However, it must be asked whether BP or British intelligence picked up any of the phone chatter published by *Nikkan-Gendai* and, if they did, why it was not made available to the London inquest. Similarly, the same

question must be asked of *Nikkan-Gendai*. Did it make the audio intercepts available to the inquest?

If not, why not? And, if yes, why were they not declared at the inquest?

This raises the question of the source of the audio intercepts. How

did *Nikkan-Gendai* acquire them? Algeria, at all levels, as already stated, has been wholly uncooperative with any of the foreign parties involved in In Amenas, including the London

inquest. If the intercepts were in the hands of the Algerian authorities, it is a safe assumption that they would not have wanted them made available to foreign parties, even if they were allies.

The most likely source of the audio intercepts is the Algerian security forces, either or both the army and the DRS. Indeed, if the DRS was

**If the intercepts
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inquest.**

arming the terrorists, as the captured terrorists' confessions claim, then it would be likely, as with the case of AQIM's DRS-backed terrorists in both Mali (in 2012) and in Tunisia in 2013 (see IV.4.ii.) that some of the terrorists would have had phone contact with their DRS-handler, who, from what we know of DRS-AQIM relations, would most likely be General Hassan or one of his close aides.

Given the publication date of the intercepts (05.12.15), barely a week after the Hassan trial (26.11.16), the most likely explanation for their source is that they were made available to *Nikkan-Gendai* by someone associated with the Hassan case, possibly motivated either by the injustice of the case and thus wishing to cause embarrassment and difficulties for the Boute-flika-Gaïd Salah clan, or to further implicate Mediène's DRS.

IV.6. Why the terrorists' confessions were divulged in 2015 and not in 2014

Before turning to further evidence of Algeria's involvement in the In Amenas attack that has come to light since the London inquest, one outstanding question remains: why were the three terrorists' confessions only divulged in 2015 and not in 2014, or even 2013?

Why were the three terrorists' confessions only divulged in 2015 and not 2014, or even 2013?

The answer to this question is speculative. Although highly unlikely, it is conceivable that the three captured terrorists resisted all

attempts to extract such information from them for the best part of 31 months. Rather, it must be presumed that such confessions, whether true or trumped up, would have been in the hands of the investigators at an early stage. Indeed, it is widely believed that the reason that President Bouteflika was able to move so ruthlessly against the DRS

from September 2013 onwards, without a hint of resistance from the DRS, was because he was in possession of this evidence and able to threaten General Mediène with it.

As mentioned in the previous section, it is unlikely that the Algerian authorities would have wanted such incriminatory evidence of collusion between the DRS and the terrorists to be in the hands of foreign powers. We can therefore assume that the transcripts of the prisoners' interviews reportedly shown to the Americans may have been incomplete.

The most likely scenario is that even if the US, UK and France were suspicious of DRS involvement in the In Amenas attack from early on, the specific confessions of the three captured terrorists may not have been brought to their attention until sometime around the end of 2013 and early 2014 when the SIM-card evidence of General Hassan's

involvement in Tunisian 'terrorism' was brought to their attention and General Hassan first arrested.

Moreover, if the Algerians did have the confessions at an early stage, which is most likely, it is understandable, on the basis of the political infighting between the presidency and the DRS, that the presidency would want to wait and use them only when it was politically opportune to make its move against Hassan. That was when he was first arrested on 8 February 2014.

However, as explained earlier, the Americans intervened. If Hassan was found guilty of such charges in a military court, it would be extremely awkward and damaging for the US. That is because American intelligence services had been working closely with Hassan and the DRS since 2002 in a number of questionable counter-terrorism operations, several of which, such

as the 2003 kidnapping of 32 European hostages, were ‘false-flag’ operations and serious state crimes.

An equally serious scenario for the US would have been if it were later discovered that the interview transcripts of the three captured terrorists, which were reportedly shown to the Americans early on, were complete (i.e. not redacted) and did actually contain their confessions about having been armed by Hassan. If that were the case, it would have meant that the Americans knew at an early stage about the DRS involvement in the attack on In Amenas. For the Americans to withhold such knowledge would have made them complicit in the crime.

For reasons explained in section IV.4, the Bouteflika presidency and Gaïd Salah attempted to move against Hassan for a second time on 27 August 2015, presenting Washington with the same threatening

situation as in February 2014. The US would have been faced with the same dilemmas as in February 2014. This time, however, DNI James Clapper arrived too late to stop the leaked charges concerning the arming of the In Amenas terrorists appearing in the media.

Generally reliable sources in Algiers also claimed that Clapper insisted that Mediène was also to be dismissed, saying that the Americans were livid about the attack on



James Clapper
Medill DC, CC 2.0

Tiguentourine and that the DRS had gone too far.¹⁶⁰

IV.7. Hillary Clinton's evidence of Algeria's complicity in In Amenas¹⁶¹

IV.7.1. Summary background to 'emailgate'¹⁶²

During her term as US Secretary of State, from 2009 until 1 February 2013, Hillary Clinton used her family's private email server for her official email communications, rather than official State Department email accounts maintained on federal government servers. This became public knowledge in March 2015 and was published by Wikileaks one year later on 16

March 2016¹⁶³. The private emails provide invaluable information on a range of subjects, including the relationship between the Algerian authorities and terrorist groups.

At the time of Senate confirmation hearings on Hillary Clinton's nomination as Secretary of State, the domain names *clintonemail.com*, *wjcoffice.com*, and *presidentclinton.com* were registered to Eric Hoteham, with the home of Hillary and her husband, former president Bill Clinton, in Chappaqua, New York, as the contact address. The email server was stored in the Clintons' Chappaqua home and maintained by a private computer

¹⁶⁰ Personal communications from sources in Algiers whose identities are protected for their safety.

¹⁶¹ ISCI published a more detailed analysis of Clinton's emails on 21 April 2016. See: Jeremy Keenan, "Thank you Hillary! Secretary Clinton's 'emailgate' revelations about Algerian state crimes." *International State Crime Initiative* (ISCI). Accessed at: <http://statecrime.org/state-crime-research/thank-you-hillary-secretary-clintons-emailgate-revelations-about-algerian-state-crimes/>

¹⁶² This background information on 'emailgate' has been drawn from dozens of US open source commentaries and publications, all of which can be found among the 168 references in Wikipedia's article: 'Hillary Clinton email controversy', accessed at: https://en.wikipedia.org/wiki/Hillary_Clinton_email_controversy



Hillary Clinton
United States Government

technician employed by the Clintons.

Hillary Clinton used the above domains, which were directed to her private server in her New York home, to send and receive emails, instead of using a state-gov email account.

It now transpires that over 60,000 emails passed through the server while Clinton was Foreign Secretary. Some 30,000 of these have been erased by Clinton on the grounds that they were private. We will probably never know what they contained. The remainder, some 32,000, have been handed over to the State Department.

As early as 2009, officials with the National Archives and Records Administration (NARA) expressed concerns over possible violations of normal federal government record-keeping procedures at the Department of State under Secretary Clinton.

Emails sent to Clinton's private *clintonemail.com* address were first discovered in March 2013, when a hacker named 'Guccifer' illegally accessed Sidney Blumenthal's email account and widely distributed emails he had sent to Clinton.

Blumenthal (67) is an American journalist, activist and writer specialising in American politics and foreign policy. He served as an assistant and then senior advisor (1997-2001) to President Clinton, and is a long-time confidant of the

Clintons, especially Hillary who continued to use his services.¹⁶⁴

In the summer of 2014, State Department lawyers, while reviewing documents requested by the House Select Committee on Benghazi, noticed a number of emails from Clinton's personal account. This led to a request by the State Department for additional emails and, after negotiations with Hillary Clinton's lawyers and advisors, to some 55,000 printed pages of emails from Clinton's personal email account being delivered to the State Department in December.

In March 2015, a New York Times article broke the story that the House Select Committee on Benghazi had discovered that Clinton had exclusively used her own private email server rather than a government-issued one throughout her time as Secretary of State, and that her aides took no action to preserve emails sent or received from her personal accounts as required by law. At that point, Clinton announced that she had asked the State Department to release her emails.¹⁶⁵

IV.7.2. What Clinton's emails tell us about Algeria's collusion with terrorists

¹⁶⁴ After her appointment as Secretary of State, Hillary Clinton wanted to hire Blumenthal. However, President Obama's chief of staff blocked this. Nevertheless, Blumenthal continued to serve Hillary and is reported to have received some \$120 thousand per annum from the Clinton Foundation by way of recompense. He does not hold any official position in the government or administration and has not done so since Bill Clinton's departure from the White House. Nor did he have security

clearance when he obtained and sent material to Hillary Clinton that has since been labelled as 'classified' by the State Department.

¹⁶⁵ The legality of 'emailgate', as it became known, its chronology of discovery and release of the emails and their implications for Hillary Clinton's presidential electoral prospects are explained in ISCI's publication: "Thank you Hillary! ..." op. cit. (note165).

Mokhtar ben Mokhtar (MBM) has been almost universally condemned, at least by the Algerian, US, UK and French authorities, as being behind the Tiguentourine attack (and many other such terrorist actions). Apart from the writings of the author¹⁶⁶, and John Schindler's 2012 corroboration¹⁶⁷, there has been no other serious question raised in open-source literature as to whether MBM is or was associated in some way or another with the Algerian authorities and/or its DRS.

Amidst Ms Clinton's 32,000 emails, there are two emails that are particularly pertinent in regard to MBM's relationship to the Algerian authorities. The first was dated 17 January 2013, the second day of the Tiguentourine siege

(Please see Appendix X for updated information on the FBI's investigation into Hillary Clinton's emails).¹⁶⁸ It was sent to Hillary Clinton by Sidney Blumenthal. Entitled 'Latest French Intelligence Reports on Algerian Hostage Crisis', the email says the following about the Tiguentourine attack that

was supposedly led or initiated by MBM:

"According to a very sensitive source, individuals with access to officers of the French external intelligence service (Direction

Générale de la Sécurité Extérieure - DGSE) working in Mali and Algeria during

Amidst Ms Clinton's 32,000 emails, there are two emails that are particularly pertinent in regard to MBM's relationship to the Algerian authorities.

¹⁶⁶ Notably, Keenan, J., *The Dying Sahara*, 2013.

¹⁶⁷ Schindler, op. cit. (notes 16 and 17).

¹⁶⁸ Wikileaks Doc ID 12093. Dated

17.01.2013, 22:00. Subject: Latest French Intelligence Reports on Algerian Hostage Crisis. From Sidney Blumenthal to Hillary Clinton.

the 17 January, 2013 hostage crisis, stated in private that the Algerian government of President Abdelaziz Bouteflika was surprised and disoriented by the attacks. According to sources with access to the Algerian DGSE [Ed. Blumenthal means DRS], the Bouteflika government reached a highly secret understanding with Belmokhtar after the kidnapping in April 2012 of the Algerian consul in Gao (Mali). Under this agreement Belmokhtar concentrated his operations in Mali, and occasionally, with the encouragement of the Algerian DGSE (JK ed. DRS), attack Moroccan interests in Western Sahara, where the Algerians have territorial claims.”



Acacus mountains, Libya - MBM's
alleged 'terrorist' hideout
Author's own

The second key email, sent by Blumenthal to Clinton on 19 January 2013 and entitled 'Algeria Latest French Intel.', provides something of a debriefing on the Tiguentourine crisis.¹⁶⁹ For example, it is learnt from a source:

“with access to the highest levels of the Algerian army that the commanders of the Special Forces consider the mission [operation] a success.”

¹⁶⁹ Wikileaks Doc ID 12082. Dated 19.01.2013, 07:44. Subject: Algeria Latest

French Intel. Sidney Blumenthal to Hillary Clinton.

The same email also tells us that:

“According to this sensitive source, officers of the Algerian DGSE (DRS) are looking to secretly meet Belmokhtar or one of his lieutenants in northern Mauritania in the immediate future. They have been ordered to find out why Belmokhtar violated their two-year-old secret agreement and launched attacks inside Algeria.”

The key points of these two emails are:

i) There is confirmation from high level intelligence sources, probably

members of or in contact with the French DGSE, that there was a secret agreement between the Bouteflika government and MBM. The author’s understanding of the situation is that this agreement was reached very much earlier, possibly around 2001-2003. However, it might well have been reconfirmed in April 2012, and quite possibly on several other occasions between those dates.¹⁷⁰

ii) It is clear that the relationship between the Algerian authorities and MBM was such that the Algerian authorities clearly presumed that they could order the DRS to meet with MBM and find out why he had broken the secret agreement. There is no hint that the

¹⁷⁰ Although probably immaterial as far as Blumenthal’s information is concerned, there is evidence, documented in *The Dying Sahara* (Keenan 2013) that the kidnapping in Gao on 6 April 2012 of the Algerian consul, Boualem Sias, and six of his staff, almost certainly DRS officers, may have been another ‘false-flag’ operation, undertaken by the DRS and designed to give the impression that Algeria was a victim of the Islamist

insurgency in Mali, rather than its instigator and backer. It is not clear whether MBM or another DRS agent, such as Abdelhamid abou Zaïd or Yahia Djouadi (a.k.a. Abou Al-Hammam, Jemel Okacha), carried out the kidnapping. Neither has the resolution of the kidnapping ever been made clear, which is not surprising under these circumstances.

army or DRS was considering going after MBM to either kill him or capture him and bring him to trial for the death of so many foreign nationals.

The reason why the Bouteflika government could not understand why MBM had apparently broken their secret agreement was because the DRS, as explained above and in APPENDIX IX, was operating as a state-within-a-state.

Although those western intelligence agencies who were working directly with the DRS may have been aware of the relationship between the DRS and MBM, these two emails provide evidence that neither the presidency nor the army command, although they may have had suspicions, knew that the DRS was running its own clandestine 'false-flag' and other such operations in collaboration with terrorist leaders such as MBM.

MBM knew full well that the real power in Algeria at that time was the DRS, not the presidency or the army, and that if he wanted to safeguard his massive trans-Saharan commercial trafficking interests and other clandestine activities, he needed to remain on collaborative terms with the DRS, who were his ultimate protectors.

We therefore had a situation in which the presidency, the army high command and, most likely, western oil companies, knew there was a secret agreement with MBM not to attack installations within Algeria. The DRS, which would have been the agency that made the deal with MBM, would have assured the presidency and army command that such an agreement had been made. What neither the presidency, army nor foreign oil companies knew, although they may have suspected, was that they had effectively been double-crossed by the DRS, to the extent that the

DRS used MBM and other terrorist leaders, such as Abou Zaïd, to undertake ‘false-flag’ operations as and when the DRS deemed them strategically useful for its own agenda, in this case a ‘false-flag’ attack on the Tiguentourine (In Amenas) gas facility.

As for the follow-up meeting by DRS officers with MBM to find out what had led him to break his agreement, it is unlikely that it ever took place. That is because the confessions of the three captured terrorists would have alerted the presidency and army high command that the attack had been a DRS ‘false-flag’ operation that had gone wrong.

Following this revelation in Hillary Clinton’s private emails of the agreement between the Algerian authorities and MBM, the Mediterranean-centred TV channel Medi1

TV ran an investigative report into this new information on the In Amenas attack on 24 March (2016) on its programme “60 Minutes to Understand”.¹⁷¹ In doing so, the Channel played the *Nikkan-Gendai* audio intercepts. Experts invited by Medi1 TV to comment on the *Nikkan-Gendai* audio intercepts and the Clinton emails concluded: “there can be no doubt that the terrorist group was bound by a tacit agreement with the Algerian authorities.”¹⁷²

By May 2016, the Algerian authorities, not surprisingly, have not responded to either the Clinton emails or the Medi1 TV programme and analysis.

IV.7.2.i. Confirmation of the existence of the Tamouret training camp

The first of the two emails cited above¹⁷³ also provides corroborative

¹⁷¹<http://www.wakeupinfo.fr/2016/03/algerie-aqmi-des-liaisons-dangereuses.html>

¹⁷² *ibid.*

¹⁷³ Wikileaks Doc ID 12093. Op. cit.

evidence of the Tamouret terrorist training camp.

Section 5 of the email is given over to what Blumenthal calls 'the Belmokhtar groups'. This is an attempt to convey what he knows of the leaders and operating locations of other terrorist groups in the region. One of these he calls the 'Abu Zayd Group'. He is, in fact, referring to Abdelhamid abu Zaïd, a DRS agent or operative, who, until his reported death in 2013, was head of AQIM in the Sahara-Sahel region.

Blumenthal writes as follows:

"Abu Zayd Group: The Abu Zayd faction is currently one of the principal subgroups of AQIM The group is deeply committed to the jihadist struggle against what it sees as the "secularism" of Tunisia and Morocco. The Abu Zayd group is based in southern

Algeria and northern Mali, under the direction of Abid Hamadu (also known as: Abou Abdellah, Abdelhamid Abu Zied, Youcef Abdel, and Abu Abdellah). This Group is one of the most active and important of the AQIM member groups, and it has the resources, personnel, and flexibility to support operations into Western Sahara and Morocco.

"According to very sensitive sources, Abu Zayd is based in the Hoggar (Ahaggar) Massif, in the Tamanrasset region. (Note: This is a rugged mountainous plateau located 1,000 miles from the Atlantic Ocean, lying mostly in southern Algeria, on the Tropic of Cancer). On the eastern edge of this region, the Abu Zayd Group is active in assisting Islamic fighters traveling to the Horn of

Africa, Iraq, and even Afghanistan. In the south it has established relationships with tribal leaders in central Africa, relationships that allow AQIM to move freely in and out of the sub-Saharan region."



Tassili-n-Ahaggar
Akli Salah, CC 4.0

These two paragraphs require considerable interpretation. They demonstrate Blumenthal's own lack of knowledge of Algeria's Saharan regions and his total reliance on his sources. (For example, Ahaggar is not a plateau and is nearer to 1500 miles from the Atlantic's nearest margin. Interestingly, the Tassili, which is the location of Tamouret, is a plateau.). In this email his sources

are described in the following words: "According to a very sensitive source, individuals with access to officers of the French external intelligence service (Direction Générale de la Sécurité Extérieure - DGSE)" "sensitive sources with access to the Algerian army" "sources with access to the Algerian DGSE (Ed. DRS)."

These sources are vague and unspecific. They sound more like hearsay, coming most likely from Blumenthal's political/intelligence associates either in or with close access to relevant elements within the French intelligence services (who had good knowledge of what was going on in the Sahara-Sahel region at this time), the Algerian regime and, from the context of this section of the email, also Morocco.

Blumenthal's report on Abou Zaïd contains two very illuminating sentences. The first is that Abou Zaïd is based in Ahaggar. Abou

Zaïd, in his capacity as a ‘terrorist’ (rather than a DRS operative), was not and could not have been based in Ahaggar for reasons, relating to local ethnographic data, that are too particular and detailed to explain here. In his capacity as a DRS operative, it is almost certain that Abou Zaïd would have visited and probably spent much time in the town of Tamanrasset, which is now a garrison town and the major DRS centre for southern Algeria.

The second is that Blumenthal is told by his sources that the Abou Zaïd group is active “on the eastern edge of this region” (i.e. Ahaggar) in “assisting Islamic fighters traveling to the Horn of Africa, Iraq, and even Afghanistan.” This can only be a reference to ‘Tamouret’, which, as Blumenthal described it, is just to the east of “the eastern edge of Ahaggar”. Neither Blumenthal nor

even his sources would have been likely to know Tamouret’s proper name. That is because it is not near any town, village or other easily identified landmark. Also, its name, as used by its occupants, was an Arabic code word.

IV.7.2.ii. Confirmation of other Al Qaeda camps in Algeria

The working relationship between Algeria’s DRS and AQIM received further corroboration from an email from Blumenthal to Ms Clinton in May 2011, during the time of the Libyan rebellion.¹⁷⁴ The key paragraph in the email reads as follows:

“These same individuals with access to Saïf al Islam add that groups of fighters loyal to al Qa’ida in the Islamic Maghreb (AQIM) have taken advantage of the

¹⁷⁴ Wikileaks Doc ID 11647 (also 11647, 11649). Dated 04.05.2011, 13.21. Subject: Lots new. French Economic grab/Levy/Q

& OBL/AQ base in Algeria. From Sidney Blumenthal to Hillary Clinton.

fighting between rebel and government forces to establish a presence among some of the tribes located in the remote Southwestern part of Libya. At the same time AQIM operatives have established a central base close to the southern reaches of the Algerian Hoggar [Ed. Ahaggar] Mountains, from which they are directing katabats [Ed. 'brigades' of up to approx. 100 fighters] in the following locations:

"Northern Mali, in the village of Taoudeni; Eastern Mali, in the town of Gao; Niger in the town of Tahoua. The operational area for AQIM's Katibat(s) is the region that runs along the borders of: Mali-Niger; Niger-Algeria; Niger-Libya."

The importance of this seemingly innocuous passage is its date: May



Ghat, south-west Libya
Author's own

2011. Tamouret closed down around 2009, with many of Abou Zaïd's AQIM fighters moving south into the Sahel. Then, in February 2010, the Algerian authorities banned all tourism travel in much of the Ahaggar and Tassili regions, but especially the Tassili-n-Ahaggar region. Local Tuareg were even prohibited entry into this area. The name Tassili-n-Ahaggar would be unfamiliar to anyone, such as Blumenthal, who did not have detailed knowledge of the local topography and its nomenclature. It is the eroded Tassili (which means plateau) range immediately to the south of Ahaggar (which Blumenthal calls Hoggar), between

southern Ahaggar and the Niger frontier.

The Algerian authorities said “security” was the reason for the closure. Local Tuareg knew that was not true, as there were no ‘terrorists’ in that area. They therefore assumed it was a cover for some sort of planned “land clearance” by the Algerian authorities. The rumour at the time was that the Algerian authorities were allowing Chinese mining companies to have free range to prospect through the Tassili-n-Ahaggar, an environmentally sensitive area, and did not want local Tuareg seeing and reporting on the environmental damage being inflicted.

However, Tuareg soon realised that was not the case and that it was the Algerian military and DRS who had taken over the region. By late 2010,



Tuareg on Algerian-Lybian border near Illizi
Author's own

local Tuareg who had managed to enter the region told the author they were fairly certain that the seven French hostages, seized by AQIM from the Areva-owned uranium mines at Arlit in northern Niger in September 2010 were being held captive in this area, under the protection of the Algerian military/DRS for their own safety.¹⁷⁵ In February 2011, an Italian tourist, travelling alone, was abducted 130 kms south of Djanet and 90 kms north of the Niger border and, according to local Tuareg sources, also taken into the adjoining Tassili-

¹⁷⁵ Areva is the French state owned nuclear energy company. It owns uranium mines in northern Niger. Details of the kidnap of

its employees by AQIM are given in *The Dying Sahara*, pp. 207-214.

n-Ajjer region, where she was also held hostage.¹⁷⁶



South-east Algeria, near Djanet
Author's own

Although firm evidence was hard to come by at the time, it was rapidly becoming clear that the Tassili-n-Ahaggar region had been taken over by the Algerian military and DRS to provide some sort of shelter or base for Abou Zaïd's AQIM, which the DRS could manage and provision (from Tamanrasset), and from which the DRS and AQIM could control their expanding activities in the Sahel – notably Niger and Mali, without fear of attack from Nigerien, Malian, or, worse still, French or other foreign

units operating under cover in the Sahel region.

Blumenthal's reference to this central AQIM base, "close to the southern reaches of the Algerian Hoggar Mountains," could be nothing other than the protected facilities given to AQIM by the Algerian DRS and military in the Tassili-n-Ahaggar.

In short, this email provides further corroborative evidence of the close working relationship between Algeria's DRS and AQIM.

IV.7.2.iii. Confirmation of Algeria's support for the Qadhafi regime in the Libyan rebellion (2011)

Almost from the onset of the NATO (French, British and US) military intervention in Libya in March 2011, there were reports of Algerian assistance to the regime, which is

¹⁷⁶ Op. cit, p. 211-12.

something that both Algeria and the US have always denied.

Algeria's support for Qadhafi was extensive. It first sent detachments of irregulars to bolster Qadhafi's forces.¹⁷⁷ These were first identified in the western Libyan town of Zawiyah where some of them were captured and identified by anti-Qadhafi forces. Spokesmen of the National Transitional Council (NTC) later reported the capture of 15 Algerian mercenaries and the deaths of three others in fighting near Ajdabiya. The same sources also reported Algeria's DRS employing many of the private security forces and Republican Guard of deposed Tunisian President Zine El Abidine Ben Ali and sending them to Libya to shore up Qadhafi.¹⁷⁸ Many of these units

were previously used as snipers to assassinate demonstrators in Kasserine, Sidi Bouzid and Thala in Tunisia. Then, following the defection of Libyan pilots to Malta in the early stages of the conflict, and prior to the authorisation of the UN "No-Fly zone" on March 17, Algeria sent 21 of its pilots to the Mitiga air base in Tripoli. There were also numerous reports of Algerian military transport planes airlifting mercenaries from sub-Saharan Africa. Data collected from the air traffic control tower at Benghazi's Benina airport ascertained that there had been 22 flights by Algerian aircraft to Libyan destinations between February 19 and 26. Some were listed as Air Algérie and were possibly evacuating nationals. Most, however, were listed as "special flights" by aircraft bearing

¹⁷⁷ See: Communiqué du mouvement Rachad, "Le pouvoir algérien use de tous les moyens pour faire avorter les révolutions tunisienne et libyenne". Accessed at: <https://tunisitri.wordpress.com/2011/02/26/2782/>

¹⁷⁸ According to the Rachad Movement (ibid), this operation was directed by Colonel Djamel Bouzghaia, who worked directly under Major General Rachid Lallali (alias Attafi), the head of the DRS's external relations directorate at that time.

registration codes used by the Algerian military. These records show repeated flights by C-130 Hercules and Ilyushin Il-76, aircraft big enough to carry battle tanks. Destinations included the airports at Sebha and Sirte. By March, in a memorandum to the Arab League, the NTC had put the number of Algerian flights that had landed at Tripoli's Mitiga airport at 51. The memorandum said the shipments included ammunition, weapons and Algerian and mercenary fighters.

Then came the definitive evidence. On April 18, Alain Juppé, the French foreign minister, confronted Algeria with evidence discovered by French military advisers working with the Libyan rebels that a number of military jeeps and trucks used by Qadhafi's forces, which had been abandoned after a military battle, carried serial numbers which

identified them as French military equipment that had been sold to Algeria.



Mouamar Qadafi
United States Navy

Algeria's actions irritated the UK and US governments so much that Algeria's foreign minister Mourad Medelci was 'invited' to meet the US Secretary of State, Hillary Clinton, in Washington.¹⁷⁹ Behind the bonhomie of the official press releases, sources reported that Medelci was castigated for Algeria's support for Qadhafi.

¹⁷⁹ May 2-3.

Algeria, however, does not take kindly to being rebuked and immediately dispatched one of its rougher political apparatchiks, Sadek Bouguetaya, to address Qadhafi's meeting of Libyan tribes in Tripoli on 8 May. In a rabble-rousing speech, Bouguetaya voiced Algeria's unconditional support for Qadhafi and blasted NATO's Libyan operations, which he likened to the attempts of Paul Bremer, the former US administrator in Iraq, to control Baghdad. He called Qadhafi's effort to stay in power heroic and criticised the West for its bombing of the civilian population. With specific reference to Algeria's War of Independence, Bouguetaya said that he had confidence that the Libyan people would defeat France, as the Algerian revolutionary forces had done in 1962.

At the same time that Bouguetaya was haranguing NATO in Tripoli, the Libyan ambassador to Algeria publicly announced that his embassy had purchased 500 'military grade' vehicles from Algerian dealers, with more in the pipeline, to help Qadhafi's forces.



Algiers
Author's own

Washington was not pleased by Algeria's belligerence. On 18 May, the Emir of Qatar, Sheikh Hamad bin Khalifa al-Thani, described by Robert Fisk¹⁸⁰ as "the wisest bird in the Arabian Gulf," paid a one-day visit to Algiers. Sheikh Hamad's message to his Algerian counterpart is believed to have been two-fold.

¹⁸⁰ *The Independent's* acclaimed Middle East correspondent.

One was that Qatar, which was the key Arab state in the NATO alliance, and by implication Algeria's "other friends" were disappointed at Algeria's lack of meaningful political reform. The other, as Robert Fisk reported a few days later, was to try to 'persuade' the Algerian regime from resupplying Qadhafi with tanks and armoured vehicles. Indeed, one reason suggested by Fisk for the ridiculously slow progress of the NATO campaign against Qadhafi was because Algerian armour of superior quality had been replacing the Libyan material destroyed in air strikes.¹⁸¹

Even though the US and its NATO allies were angered by Algeria's support for Qadhafi, the US consistently denied in public that Algeria was assisting Qadhafi. The

ultimate public denial came on 1 June when General Carter Ham, Commander of US AFRICOM, was flown to Algiers to deliver a highly publicised speech in which he said he "could see no evidence" of Algerian support for Qadhafi.

General Ham's disingenuous statement was part of a 'package deal' believed to have been worked out between top officials in the US and French governments and Algeria's DRS.¹⁸² The talks had two main strands. One was to save the Algerian regime from the same fate as Tunisia's Ben Ali, Egypt's Mubarak and soon, it was presumed, Qadhafi, by encouraging it to move more rapidly towards meaningful political reform. The other was to effectively rehabilitate the Algerian regime with NATO

¹⁸¹ Robert Fisk, "Who cares in the Middle East what Obama says?". *The Independent*, 30 May 2011. Accessed at: <http://www.independent.co.uk/opinion/commentators/fisk/who-cares-in-the-middle-east-what-obama-says-2290761.html>

¹⁸² In the third week of May, DRS generals Rachid Lallali and Ahmed Kherfi travelled secretly to France to meet first with French government and then US military officials.

and the Pentagon. The deal was both a re-affirmation of the strategic importance of Algeria to the US and a reminder to both sides that they shared too much 'recent history' in regard to their joint activities in the GWOT for them to fall out. In short, neither the US nor Algeria could afford to have their secrets and cooperation aired in public.

The essence of the deal was that Algeria would cease its support for Qadhafi, while the US would save Algeria from international condemnation by reiterating General Carter Ham's "see no evidence" of Algerian support for Qadhafi. It was agreed that Algeria would also desist from linking Libya's rebels with Al Qaeda and Islamic extremism, which was both irksome and embarrassing to the NATO alliance. In exchange, the US would back Algeria's scare mongering over

the threat AQIM presented to Algeria, the wider region and Europe, as well as its grossly exaggerated and largely unverified statements about arms flows from Libya to AQIM.

Although Algeria and the US persisted with their denials of Algerian assistance to Qadhafi, the Clinton emails provide ample corroborative evidence of the fact that Algeria was, in fact, helping Qadhafi and that the US, in spite of General Ham's famous "I can see no evidence" speech, was fully aware of what Algeria was doing.

The two clearest emails were those sent from Blumenthal to Hillary Clinton on 28 February 2011 and 18 April 2011.

The first of these emails ¹⁸³ said: "highly reliable source stated in

¹⁸³ Wikileaks Doc ID 28622. Dated 28.02.2011, 02:56. Subject: Up to minute detailed state of play politically and

militarily. From Sidney Blumenthal to Hillary Clinton.

confidence that African mercenaries continue to land in Tripoli, passing through the airport of Sebha (410 miles south of Tripoli) which is still in the ends [Ed. hands] of Qaddafi loyalists. These troops are flown in on aircraft belonging to the Libyan Company, Afriqiyah Airways. Until February 24 these forces were recruited in Nigeria, Chad, Benin; however, beginning on February 25 the recruits began to include fighters from Algeria, including troops from the Frente Popular de Liberacion de Saguia el Hamra y Rio de Oro (Polisario Front.) (Source Comment: These Polisario troops are drawn from the Saharawi people fighting against Morocco for the independence of the territory of Western Sahara. These Polisario troops have been trained by the Algerian military and intelligence services to fight against the Moroccan Military in Western Sahara.).

“Ui [stet] advisor to Qaddafi stated privately that the Government of Morocco has used private channels to protest the recruitment of these forces to the Libyan Government. The Moroccans state that they learned from sources that Qaddafi has promised to support their struggle in Western Sahara, if they send mercenaries to fight with the Algerians in support of his regime.”



Polisario fighters
Western Sahara, CC 2.0

The second email,¹⁸⁴ sent nearly seven weeks later, said:

¹⁸⁴ Wikileaks Doc ID 6504. Dated 18.04.2011, 07:52. Subject: UK/French

advisors in Libya. From Sidney Blumenthal to Hillary Clinton.

“In the meantime, as the fighting continues, TNC military officers in the field report that prisoners captured from Qaddafi's forces have reported that prior to the initiation of the no-fly zone by the Western powers, ALGERIA provided Qaddafi's forces with a number of T55, T/56 E T/64 tanks. According to these prisoner interrogations; ALGERIA is continuing to supply fuel to Qaddafi's forces.”

The author can confirm from his own evidence that some 400 Polisario fighters were flown by Algeria from the Sahrawi refugee camps at Tindouf (Western Algeria) to support Qadhafi's forces, and that much of the Algeria airlift of supplies, including tanks, went through Sebha, with overland supplies crossing into Libya at the

Debdeb frontier crossing (close to Ghadames).¹⁸⁵

IV.7.2.iv. Did Hillary Clinton assist in the In Amenas ‘cover up’?

Hillary Clinton is not a whistle blower; she does not rank alongside Edward Snowden, Chelsea (né Bradley) Manning and Julian Assange. She may, like them, have provided us with insights to state secrets and ‘state crimes’, as in the case of both Algeria's collusion with terrorists and terrorist organisations and the collusion between Algerian and US secret military and intelligence operations, but her motives were very different.

Ms Clinton has inadvertently done much to corroborate the author's published evidence of the collusion, since the start of the GWOT, between the US and Algerian military and intelligence services

¹⁸⁵ For details, see Keenan, J., *The Dying Sahara*, 2013.

and their roles in “state terrorism” and related “state crimes”.

However, it is debatable whether Ms Clinton was fully aware of the sensitivity of the information that

she has allowed to fall into the public domain through her abuse of US government communications protocols. That is because during the Bush-Cheney-Rumsfeld era, the US Department of Defence kept the US State Depart-

ment uninformed and “out of the loop” on many of its murkier “special operations”. This was definitely true in the case of some of the ‘false-flag’ terrorist operations conducted jointly by Algeria and

the US.¹⁸⁶ It is therefore quite possible that Ms Clinton was unaware of much of what was going on in Algeria and neighbouring regions both before and during her term of office as Secretary of State.

Ms Clinton has inadvertently done much to corroborate the author’s evidence of the US and Algerian military and intelligence services in their roles in “state terrorism”.

However, even if that was the case, it is no excuse whatsoever when it comes to the most important issue to arise from her Algerian emails. This is the revelation regarding the secret agreement between

MBM and the Algerian authorities. Given the scale and seriousness of the In Amenas terrorist attack, and the fact that Americans were both involved and killed, it is inconceivable that Ms Clinton did not

¹⁸⁶ For example, three US transporters carrying US Special Forces and their equipment, including dogs, flew from Stuttgart to Tamanrasset in February 2006. Three months later, these Special Forces crossed into Mali, alongside DRS forces, to support a short-lived rebellion in northern

Mali as part of a deal with local rebels to fabricate supposed terrorist activity north of Timbuktu. The US State Department was unaware of this clandestine and illegal operation. For details, see: Keenan, J., *The Dying Sahara*, Chapter 5, esp. pp. 62-73.

read the email or grasp the importance of the reported agreement between MBM and the Algerian authorities. Indeed, there is confirmed evidence from the email chain that Ms Clinton forwarded Blumenthal's original email to Robert Russo, her special assistant in the State Department.¹⁸⁷ This means that a copy of the original email was also received by the State Department and saved on its servers.

Therefore the question is: Did Ms Clinton and/or her staff at the State Department forward this vitally important information to the authorities in the UK, who were coll-

ecting information on the In Amenas attack in preparation for the London inquest?

If the emails were not forwarded from Washington to London, why weren't they? Did the US government put its own secret and perhaps criminal relations with the Algerian government above the lives of those that died in the attack? Or, if the US authorities did forward this information to the British authorities, as would be expected, why did the British authorities not disclose it to the inquest? This is an absolutely critical question that still has to be put to the British authorities.

¹⁸⁷ Wikileaks Doc ID 12094. Dated 19.01.2013 05:20. From Hillary Clinton to Robert Russo.



PART V

HMG'S ABUSE OF THE
PUBLIC-INTEREST IMMUNITY
(PII) SYSTEM

PART V

HMG's abuse of the Public- Interest Immunity (PII) system

V.1. The need for an enquiry

As Algeria's political and economic crises deepen, more and more evidence is likely to come to light of the DRS' involvement in the In Amenas terrorist attack and other such 'false-flag' operations.

Nevertheless, irrespective of what the future may bring, the evidence that has already come to light since the London inquest, as documented in PART IV, touches on a particularly important issue for UK citizens, namely HMG's use of the Public-Interest Immunity (PII) system.

The evidence suggests very strongly that HMG used the Public-Interest Immunity system to cover up not

only its own incompetency with regard to the FCO, but even more serious aspects of the In Amenas attack, which raise questions about HMG's possible complicity in state crimes.

In short, there is an urgent need for a public enquiry into why HMG used a PII certificate in this case. Such an enquiry should also examine HMG's previous usages of PII certificates, several of which have raised equally disturbing questions about the government's abuse of the system.

V.1.i. The reasons HMG gave for a PII in the In Amenas case

HMG never gave coherent reasons for its request for a PII certificate at the In Amenas inquest. What was said between HMG's representatives and the Judge was behind closed doors, while the public statements of HMG's legal repres-

entative, David Barr QC, smacks of duplicity.

During the course of the inquest, the impression was given that HMG's request for a PII certificate was made in order to protect the FCO from embarrassment over its mishandling of *El Khabar's* 12 November article. If that were the case, then it was clearly an abuse of the system. FCO's incompetence on that particular issue has little to do with "national security", which was Mr Barr's stated reason for the certificate.

However, it now appears, in light of what has subsequently come to the fore about the roles of General Hassan and the DRS in the In Amenas attack and the agreement between Mokhtar ben Mokhtar (MBM) and the Algerian authorities (see PART IV), that HMG's request for a PII may not have been solely for the purpose of covering up the FCO's incompetency. Rather, it was

also issued to cover up FCO's knowledge of and perhaps collusion in the roles of the DRS and General Hassan in the In Amenas attack, as well as the US State Department's knowledge of the MBM agreement. The latter would be even more serious if it were found that the US had forwarded the relevant Clinton emails to the British authorities.

Until there is an enquiry into these questions, this report can do little more than set out what is known about the use of the PII certificate in the inquest. The importance of these questions is better understood when the chronology of events and specific dates and contexts of certain statements are set out and explained.

Both HMG's 'Gist' of its request for a PII certificate and Judge Hilliard's explanation for granting it (III. 2. iv. & APPENDIX VII), give the strong impression, although never stated

explicitly, that HMG's request for a PII certificate was related to its failure to respond to the *El Khabar* article.

On at least three occasions in their discourse (III. 2. iv.), Judge Hilliard and HMG's Counsel, David Barr, made specific references to:

(i) "the British government receiving information before the attack [i.e. before January 2013]";

(ii) that "HMG did receive some information late in 2012, which it was later established was some months old,"; and

(iii) that "in early December 2012, HMG received and read some information alleging that unidentified terrorists in southern Algeria were seeking information about

British workers in Algeria with a view to kidnapping them."

In other words, the PII certificate appears to have been granted in relation to information received by HMG [seemingly the *El Khabar* 12 November article] around December 2012.

The key question is whether what the FCO wished to withhold in this case had anything to do with "national security".

In an earlier interim judgment, Judge Hilliard had ruled that the FCO could withhold sensitive, national security material relating to the January 2013 attack on the In

Amenas site. While that decision was correct in that the FCO, or any other branch of government, should be able withhold information that threatened national security, the key question is whether what the FCO wished to withhold in this case had anything to do with "national security".

Earlier in the Report (Section III. 2. iv.), it was said that: "This decision [the granting of the PII certificate] would appear to have been an abuse of the legal system. Unless the FCO, Foreign Secretary, Mr Barr and Judge Hilliard were together withholding some other information that falls outside the 'Gist' given by Mr Barr (Appendix VII), there is nothing in the above, least of all *EL Khabar's* 12 November article, that has any bearing on national security."

That section of the Report concluded by saying: "The 'sensitive information' protected by the PII certificate had absolutely no bearing on 'national security'. Rather, it had everything to do with the failure of the FCO to do its job. The pretext of 'national security' and the use of a PII certificate were used to cover up from the 'interested parties' and the public as a whole what was nothing more than the incompetence of the FCO."

In the light of what has been learnt since 27 August 2015 (General Hassan's arrest) and March 2016 (Clinton's emails), it appears that HMG may have been using the PII certificate to cover up more than just its mishandling of the 12 November *El Khabar* article. Rather, it may have been trying to conceal the involvement of the DRS and the Algerian authorities in In Amenas.

Suggestive evidence for this centres on the statement made by Mr Barr at the pre-inquest hearing of 2 September 2014 in which he said: "HMG was in possession of documents of an extremely sensitive nature that could have implications for national security." He added, in a clear attempt to get the inquest further postponed, "the process of reviewing these documents could take between 3-6 months."

Particularly significant in this statement, which at the time passed

unnoticed, was Mr Barr's specific reference to the date of April 2014. At the 2 September hearing (II.3.), Mr Barr explained that HMG had notified the senior coroner (Ms Schofield) in April 2014 that HMG was in possession of such documents, and that this material could only be seen by a senior Judge with the required high level of security clearance. Hence the appointment of Judge Hilliard.

Ms Schofield said that she had no knowledge of what the "sensitive material" being held by HMG was. 2 September was also the first time that the interested parties had been made aware of such documents, even though Mr Barr said the material had been with HMG since at least April 2014.

April 2014 thus appears to be a pivotal date. What happened around that time that was brought to HMG's attention? It was certainly not the failure of the FCO and HMG

to respond to the November 2012 *El Khabar* article. That would have come to light well over a year earlier, probably at around the time of the In Amenas attack in January 2013, that is, 15 months before April 2014.

So, what information might have been brought to HMG's attention around, or just before, April 2014?

The answer, almost certainly, is:

- the 'discovery' of the DRS' involvement with 'terrorists' operating in Tunisia, as discovered from their captured SIM-cards;
- the arrest of General Hassan on 8 February;
- the deal reached between the Algerian government, the DRS and Washington that Hassan not be charged in court, almost certainly with the knowledge of HMG, as

evidenced by the meeting of US, UK and Algerian intelligence services at the DRS' Ben Aknoun head-quarters at around that time; and, almost certainly,

- the confession of the three captured In Amenas terrorists who said they had been armed by General Hassan.

Indeed, it is inconceivable that HMG's intelligence services, which had been working closely with Algeria's DRS since at least 2009 and especially since the establishment of the bilateral UK-Algerian joint committee on counter-terrorism in 2010,¹⁸⁸ would not have been fully conversant with these facts.

There is also the outstanding question of whether the two emails to Hillary Clinton on 17 and 19 January 2013 were forwarded to the

British authorities and, if they were, why they were not presented at the inquest.

V.1.ii. Conclusion

It is understandable that HMG would want to withhold from the London inquest information that might suggest that its intelligence services had not only been in collusion with the DRS, but had been complicit in activity that could be construed as criminal.

In addition, although probably unrelated directly to the PII request, HMG would also want to ensure that the existence of the DRS-managed terrorist training camp at Tamouret, in which the US and UK governments were almost certainly complicit, was also kept secret from the inquest.

¹⁸⁸ For details, see Keenan, J., *The Dying*

Sahara, 2013, pp. 224-6.

If all this information had been made available to the In Amenas inquest, it is unlikely that it would have prevented the tragedy and the deaths of so many people. However, it would have given the 'inter-ested parties' and the public in general, a completely different understanding of how and why the In Amenas attack took place.

As it is, the In Amenas inquest has merely been an extension of the 'cover up' forecasted in Article 3. That article, written eight

months after the In Amenas attack and a year before the start of the inquest, said there would never be a full, open inquiry into what happened at In Amenas. Indeed, that article said that what happened at In Amenas was being swept under the carpet and that Algeria and its Western allies, notably the US, UK and France, were engaged

in a cover-up of what actually happened.

This Report has presented more evidence than was available at the time that Article 3 was written. It confirms that what happened at In Amenas has been 'covered up'.

HMG will no doubt claim, as it did

in its request for a PII certificate, and by limiting the amount of evidence submitted to the inquest, that it was acting in the interests of "national security".

Even though such beliefs

may have been held sincerely, they are almost certainly unfounded.

The question has to be raised about who made these decisions. Was it the FCO, the intelligence services (and which ones), individual ministers at the Home, Foreign or other government departments, or perhaps even the Prime Minister himself?

As it is, the In Amenas inquest has merely been an extension of the 'cover up' forecasted in Article 3.

More likely, it was a combination of these.

The decision to work with the DRS on counter-terrorism and to use the facilities provided by Tamouret may have been made in the belief that it served British 'national

security' interests. Indeed, it is conceivable that the information gathered from Tamouret has prevented a number of terrorist attacks around the world. It may also be argued that the 'false-flag' operations in the Sahara did much to enable the justification for the GWOT to be extended into remote parts of Africa, although with almost entirely negative consequences.

However, the price of these benefits, if that is what they were, has been colossal. The deaths at In Amenas

are just one component of the balance sheet. In addition, hundreds, possibly thousands, of innocent

people appear to have been murdered at Tamouret. As for the wider Sahara-Sahel region, the introduction in 2002-3 of 'false-flag' and other such supposedly counter-terror-ism

operations into the region by

the US and Algerian secret intelligence services has led to hundreds of unnecessary deaths, thousands of entirely innocent local people losing their livelihoods and millions of people now living, often in extreme difficulty, poverty and suffering, in a region approximately the size of Europe that is now branded as a "terrorist zone". These costs are the reasons behind the title of *The Dying Sahara*.¹⁸⁹

Coming back to the UK's decision-making process in these matters and

The price of these benefits, if that is what they were, has been colossal.

¹⁸⁹ Keenan, J., *The Dying Sahara*. Pluto, 2013.

the UK's complicity in (and therefore part-responsibility for) these outcomes, much of the blame, if that is the right word for it, rests with the UK's intelligence services and perhaps to a lesser extent the FCO. In the case of the former, their track record in North Africa as a whole, at least since Prime Minister Tony Blair interfered with them so radically around 2004, has been inept and, one might even say, dangerous.

There are two lessons to be taken from this Report:

First, a far greater degree of parliamentary scrutiny (which is currently non-existent) and accountability is required in the issuing of PII certificates. As this case has demonstrated, they cannot be left to an unaccountable minister or two and a Judge who has probably been inadequately briefed on the subject.

Second, the UK's involvement in North African (and Sahara-Sahelian) affairs since about 2003-4 has demonstrated that its intelligence services, if left to their own unaccountable ways, may do the UK far more harm than good when it comes to the question of "national security". The UK's involvement in Libyan rendition (which is still facing court proceedings), various Qadhafi escapades and its 2011 intervention in Libya spring to mind. If the intelligence services' operations, insights and advice on North Africa had been subjected throughout this period to more rigorous scrutiny by parliament, HMG might not have been left with having to rely on the duplicitous process of having to obtain a PII certificate to cover up its collusion, if not direct complicity, in what are nothing more than 'state crimes'.



PART VI

ADDENDUM

PART VI

ADDENDUM

This Report was completed in November 2016. However, in the light of developments in Algeria stemming from the arrest of General Hassan on 27 August 2015, his trial and sentence on 28 November, the dismissal ('retirement') of General "Toufik" Mediène on 13 September 2015 and the subsequent political turmoil, a great deal of information – much in the form of confessions of one sort or another by former high-ranking Algerian civilian and military officials – is likely to come to light in the coming months, and perhaps years.

It is also possible that more information may come to light from as yet unknown sources, such as was the case with Hillary Clinton's emails.

There are also a number of serious tangential issues, such as the treatment and fate of Witness "A", which cannot yet be documented because of ethical concerns for his wellbeing and future safety.

Further information or evidence that comes to light after publication will be found at: <http://statecrime.org/news/addendum-to-in-amenas/>.

APPENDIX I

Responses of the Minister of State, The Rt Hon Hugh Robertson, MP, to the questions asked of the Foreign and Commonwealth office (FCO) by some of the families of the deceased to Families in October 2013 through their MP.

Foreign & Commonwealth Office
XXXXX XXXXXX MP
House of Commons
London
SW1A 0AA
8 November 2013

Dear XXXXX,

Thank you for the list of questions from your constituent [Ed. name deleted], following our meeting on 10 October. I have sought to answer the questions as thoroughly as possible but, as I am sure that you will understand, some of these are outside my remit. I do understand how difficult the uncertainty is for [name deleted] but, as I made clear during our meeting, it is critical that we do not speculate or take any actions that might undermine or be detrimental to the Coroner's inquest.

o. Was the FCO aware of the Al-Khabar article of Nov 12/13, 2012? If no – why not? Why did not GCHQ's or FCO's search facilities find it? If yes – was this the reason the risk was raised at the end of November?

The FCO was aware of the article but it did not add anything significant to what we already knew about the threat. No change was made to the level or to our Travel Advice in November. Our Travel Advice had warned of a high threat from terrorism in Algeria for some time. and continues to do so. The nature of this threat remains that terrorists will seek to capitalise by opportunistic attacks on key targets including airports, oil and gas installations, ports etc.

1. Was BP informed, if so why do they insist there was no threat prior to the attack on 16th January?

As previously mentioned, there was no specific information regarding an attack which we could pass on to BP and, as the Al-Khabar article did not alter our assessment, there was no reason for us to inform them of it. The article was in the public domain, but it is for BP to say whether they saw it and if it changed their own assessment of the situation

2. Why does Jim Stokley insist there was no threat until 16th January?

That is a question for Superintendent Stokley to answer for himself.

3. On 11th September Bouteflika started to disassemble the DRS. What was the specific nature of the recommendations/requests made by the UK to Bouteflika (or other members of his government) in that regard? It has been reported that he responded to pressure/encouragement from the UK and US following the debacle in In Amenas?

We are aware that as part of the Algerian Government reshuffle on 11 September, changes were made to a number of senior positions in a number of Ministries in Algeria. This included the Algerian security services. Foreign governments do not prescribe how Algeria conducts its internal affairs, particularly as Algeria is a nation which values its sovereignty extremely highly due to its colonial history. As the Prime Minister made clear in January however, we will continue to co-operate with Algeria in a number of areas including security.

4. I have been informed by a contact that the coroner has been requested to try and drag the inquest out to 2015! Is this the case?

The timing of the inquest is the Coroner's decision. The latest information that we have is that she expects to hold it in autumn 2014. Depending on the progress of her investigations, she may set a firm date at the hearing on 21 November.

5. Where does the dismantling of the DRS leave the inquest?

We do not anticipate that any internal changes in the DRS would have a bearing on the Coroner's inquest. We continue to facilitate contacts between the relevant Algerian officials and the UK police as necessary to pass on official requests for assistance from the Coroner.

6. Now that generals Lallali and Tartag have been removed from the DRS, allegedly "retired", which Algerian officials remain in post in the DRS who were directly involved in In Amenas? If you do not know, why have you not requested this information?

We do not judge that internal changes in the DRS will have any bearing on the investigation into the attacks which is being carried out by the Algerian judiciary. We are liaising closely with the relevant officials, and they have undertaken to keep us informed when and where they are able to do so.

7. Are you aware of the evidence published by ISCI (International State Crime Initiative) that links Mohamed Lamine Bouchneb to DRS General Rachid Lallali, thus suggesting that the DRS may have been complicit in the terrorist attack? If not, why not? (i.e. does not GHCQ and/or the FCO itself not maintain search alerts on sensitive areas to the UK?) If yes, have you made the UKL's investigating police aware of this evidence? If yes, why have the police not followed up on it?

As we discussed when we met, there are many unsubstantiated articles and reports on North Africa across the media spectrum, including those by the ISCI. Many of these give credence to the regular rumours which circulate about the DRS. The British Government believes that responsibility for the attack at In Amenas rests with the terrorists who carried it out and not the DRS.

8. Are you aware of US intelligence officer John Schindler's July 2012 article that states that Algeria's DRS creates its own terrorists and uses them to undertake "false-flag" terrorist acts? If not, why not?

We are aware of John Schindler's article. However, we have seen no credible evidence to support its assertions.

9. Given that there is some evidence pointing to DRS complicity in the attack on In Amenas published by ISCI, what reliance are you placing on Algeria conducting or assisting in an open honest and transparent investigation?

We have seen no credible evidence which supports the theory that the DRS was complicit in the attack. We believe that the Algerian authorities will conduct an honest and transparent investigation. We remain in regular contact with the relevant government and judicial officials. The Algerian authorities have promised to keep us informed where and when they are able to do so, and have indicated that family and survivors would be able to attend any trial that takes place.

10. Who does HMG now regard as answerable in the Algerian government regarding the handling of the In Amenas investigation and the transmission to the UK authorities of all forensic evidence?

The Algerian judiciary has launched a formal criminal investigation, and will let us have as much information as they can as soon as they can. We continue to be in regular contact with the Algerian authorities, including the presiding judge.

11. If the Algerian government refuses to cooperate in an open honest transparent investigation, what will HMG do? Will there be any pressure exerted? Will you make it plain that this will have damaged relations?

We expect that the Algerian authorities will conduct an honest and transparent investigation. We continue to stress to them, on a regular basis, the urgent desire of the British government, on behalf of the families of those who died and those who survived, to find out what happened and to see the perpetrators brought to justice about these events.

I hope this response is helpful and I would like to thank [name deleted] for coming to see me. I appreciate this must continue to be a very difficult and stressful time for all those affected by the attack, including [name deleted].

With all my very best wishes

Yours ever

Signed

**The Rt Hon Hugh Robertson MP
Minister of State**

Appendix II

Letter of 30 April 2014 from J. Keenan to Detective Constable William Wixey of the SO15 Counter Terrorism Command (new Scotland Yard), giving a summary of the evidence he could give to the court

To: Detective Constable William Wixey
SO15 Counter Terrorism Command
15th Floor, New Scotland Yard
10 Broadway, London, SW1H 0BG

From: Professor Jeremy H. Keenan
School of Oriental and African Studies
(SOAS) London University

30th April 2014

Dear DC Wixey,

Firstly, I must thank you for my meeting with you and your colleague Mr Nav Singh on 31 March. Secondly, I must apologise for the time lag in this reply, but, as I mentioned, I was fully taken up through this last month with the Algerian elections. That was prolonged by the alleged 'terrorist' attack on April 19, which some believe may have been another 'false-flag' operation managed by Algeria's intelligence service, the DRS, in which at least 14 soldiers were killed. I mention this incident, as it may have some bearing on the In Amenas case.

At our 31 March meeting, you asked me whether I could provide you with a summary of the evidence I could give to the coroner's inquest court, if the coroner deemed my evidence useful to the inquest.

Given the coroner's explicit statement, as I understand it, that she wishes to go beyond the mere "facts" of what happened in the 4-day siege of the Tiguentourine plant and try and understand both who conducted/organised the attack and why, I am able, in my professional capacity, to provide the court with highly pertinent evidence on both these related questions. Indeed, the submission of this evidence is essential, if the court is to fulfill its full obligations to the deceased.

I therefore submit, through you, this request to the coroner that I be called to give evidence, as an "expert witness" on the nature of terrorism in Algeria, to the inquest court that is otherwise unlikely to be led by any of the other parties to the inquest.

Before giving you a summary of that evidence, I should explain why I am uniquely qualified to give this evidence to the court.

- I am 68 years old, a British citizen and a Professor of Social Anthropology. I currently hold the position of Professorial Research Associate at the School of Oriental and African Studies (SOAS), London University. I have previously held teaching and/or research posts at the universities of Exeter, Witwatersrand, Cambridge, East Anglia and Bristol.
- I am also a Senior Associate for Menas Associates (Consultants), a London-based consultancy firm that specializes in providing international oil companies (IOC's) with security and political risk information and advice, especially on North Africa.
- I first visited the Sahara in 1964 (as a student) and have continued to study the region ever since. Of these 50 years, precisely 25 have been spent undertaking fulltime research in/on the region. During the remaining 25 years, I was professionally employed as an anthropologist in other parts of Africa and unable to re-enter the Sahara for much of that because of political reasons (Algerian civil war, Libya sanctions, Tuareg rebellions, etc.).
- I have written six academic books on the Sahara and its people, and approximately 200 academic, peer reviewed articles. Two of these books focus specifically on contemporary terrorism in Algeria and neighbouring countries. I have also made eight documentary films on Algeria-Libya.
- I am recognised as a world authority on the Sahara and its people, especially on the Tuareg, Algeria, terrorism and security-related issues. As such, I have been used as an "expert witness" in both US and UK courts.
- I also act as a consultant/advisor on Saharan security, terrorism and political risk to a number of international organisations, including NATO, the EU, US State Department, UN and several international non-governmental organisations, such as Médecins sans Frontières (MSF). I am also a regular analyst on Saharan, especially Algerian, security matters for approximately a dozen media companies, including the BBC.

• In my work for Menas Associates, I am the author of three political/security reports, namely: Algeria Politics & Security (weekly); Algeria Focus (monthly) and Sahara Focus (monthly). I have also authored for Menas the same reports on both Libya and Mauritania. These are subscriber publications, taken mostly by IOCs operating in North Africa. Through Menas, I also provide direct consultancy to many of these IOCs on security-related matters.

The evidence I would submit to the court is basically threefold.

1. There is very strong evidence that the leader (i.e. on the ground) of the In Amenas attack, Mohamed Lamine Bouchneb (as stated by the Algerian authorities and supported by some of the survivors), was an “agent” of Algeria’s secret intelligence service, the Département du Renseignement et de la Sécurité (DRS).

I can provide my own research findings, as an anthropologist, into Bouchneb’s involvement (as leader) in previous supposedly “terrorist” incidents, but which we now know to have been “false-flag” terrorist operations conducted by the DRS. I can also provide witnesses who will support my own claims and evidence on the basis of their own eye-witness accounts of Bouchneb’s meetings with top-level (Generals) DRS officers.

Given that you mentioned in our meeting of March 31 that “protocols” do not permit witnesses to be interviewed by the Met and thereby give evidence in a UK court without the permission (in this case) of the Algerian government, I can arrange for at least two non-Algerian citizens to provide such evidence. Obviously, satisfactory arrangements would have to be made for their security, as their lives would clearly be at high risk. That, however, can be arranged, I believe, to their (or their legal representatives) satisfaction.

On this same subject area, I am personally able to provide evidence that casts major doubt on the claim made by the Algerian authorities that the attack was “planned” and “organised” by Mokhtar ben Mokhtar. I can also provide evidence, based on my research into Mokhtar ben Mokhtar’s activities since approximately 1995, that he, too, is a long-time associate of the DRS. I can provide “non-Algerian” witnesses able to support to give supportive evidence to my own evidence.

2. I can provide a substantial amount of highly pertinent documented evidence (and witnesses) of the DRS’ long and continuing involvement in conducting “state terrorism” of many sorts, especially “false-flag” incidents, such as may have been the case at In Amenas.

3. I am able to prove that many of the statements spoken/recorded or written by parties associated with the In Amenas attack and/or “terrorism” in Algeria, such as “expert(s)” evidence used by the BBC in its televised “docu-drama” of the In Amenas siege; witnesses to the UK Parliamentary Foreign Affairs Select Committee Enquiry; British government statements on Algeria; etc., are/were knowingly incorrect/false.

I should emphasise that I am aware that my evidence would be given not only under oath but also in accordance with the Code of Conduct of the Association of Social Anthropologists and the American Anthropological Association, breaches of both of which carry serious consequences.

Meetings with BP over Mokhtar ben Mokhtar

Finally, you asked me to summarise briefly the meetings and discussions I had with BP regarding possible attacks on BP installations in Algeria by Mokhtar ben Mokhtar (MBM).

Five meetings were held between myself and two senior executives of BP in 2001 (before 9/11, if my memory serves me correctly). In fact, I learnt several years afterwards that one of these may not have been a BP “senior Executive”, as he led me to believe, but was contracted by BP to head their security in Algeria.

All five meetings (between the three of us) took place in 2001. I do not have the precise dates at my fingertips, but have them diarized in diaries that are still buried in storage (but accessible if required). Interestingly, there were no email communications about these meetings. My first email with either of these parties was in October 2001, on other matters. Whether this was because BP wanted secrecy, or because there was no email service at the time (more likely), I do not know. The meetings followed bespoke work I had done for BP during 2000. In other words, by 2001, BP executives dealing with Algeria knew me well and knew that my work in the Sahara would have given me access to MBM.

The five meetings all took place in London, in the same restaurant, over lunches.

The format of all five meetings was basically the same: a recapitulation of what had been discussed at the previous meeting, followed by how that might be progressed. The subject matter was whether I could meet with MBM and deliver a deal by which he would desist from attacking any BP facility, personnel, etc.

The format of all five meetings was basically the same: a recapitulation of what had been discussed at the previous meeting, followed by how that might be progressed.

The subject matter was whether I could meet with MBM and deliver a deal by which he would desist from attacking any BP facility, personnel, etc.

I was told BP's security budget for Algeria at that time, which was very considerable (close to a nine figure sum, in dollars, for a rolling three-year period). Discussions centred on whether I could meet with MBM (the answer to which was Yes) and what sort of financial deal (i.e. buying him off) might be attractive and acceptable to him; and finally what sort of guarantee structures we could build into the deal to ensure that he did not renege on it. The sum of money we were discussing was an "eight figure sum" (in dollars).

At that time, MBM had the capacity to "knock out" an entire facility with ease. This may be denied by Algeria now, but in the late 1990s, MBM waged a war against Algeria. It was known by MBM quite simply as "La Libération du Grand Sud" and was in revenge for the killing of his brother (a smuggler) by the border security forces. He had absolutely no religious (i.e. Islamist-jihadist) agenda at all. The logo "La Libération du Grand Sud" covered the windshield of his own personal vehicle! His war was at its peak in 1998. Through 1999-2001, as the Algerian army deployed massive resources into the extreme south, MBM retreated across the border into Mali. Up until 1999, MBM was effectively in control of all southern Algeria, roughly south of a line drawn EW through the In Amenas region. Below that, no transport could move unless in protected army convoy. In 1998, for example, he captured precisely 365 4WDs, mostly from the Gendarmerie and Sonatrach.

During my five meetings with BP, I learnt a great deal about MBM's weaponry and BP's very understandable concerns. I recall specifically being told (by BP) how MBM had the weaponry to fire ordnance from some 14 miles away, i.e. "over the horizon". Much of this information was given to BP by the DRS.

After five meetings, by which time I had set up the process of my meeting with MBM through his "gatekeepers", the meetings came to a sudden end. I never met again with the "security" executive. I tried to follow up on him some years later, for reasons of academic interest, but when I did so, he was no longer with BP. I assumed (but had no evidence at that time) that the sudden calling off of the plan was because the DRS had given BP assurances that there was a deal between the DRS and the "terrorists" (at that time just MBM), that Algeria's oil/gas facilities would not be attacked. BP consequently would have had no need to pursue any such "deal" with MBM.

In subsequent years, I have provided further security advice to BP and have had several meetings (which were extremely problematic, I suspect, for BP) with senior BP staff.

I have refrained from putting any of these names in writing, or giving further details of the original and, more importantly, subsequent meetings discussions for reasons of confidentiality and “data protection”. However, if subpoenaed by the Metropolitan Police, or, presumably through the court system, I would have no alternative but to oblige.

Yours sincerely

Jeremy H. Keenan

APPENDIX III

Note from Ashley Underwood QC to the Inquest Court's "Interested Parties", 20 October 2014.

PROFESSOR KEENAN

1. The purpose of this note is to set out the results of interviewing the Professor and to analyse whether he should be called as a witness.

2. The Professor is an anthropologist, archaeologist and academic writer. He is the author of books and articles. He has a long-standing connection with Algeria, which he first visited about 50 years ago. He has an extensive set of contacts there, and he also follows events by reading a great deal of information put out independently and on behalf of the Algerian authorities. His interest in the region remains current, and he is presently undertaking "due diligence" for a project in southern Algeria.

3. Professor Keenan's view is that the Algerian authorities, in particular, the DRS, ran the In Amenas attack and that it went wrong.

- PK says the authorities in Algeria have long been riven by dissent, including competition between the regular army and the DRS (which controls internal security).
- PK says that the DRS has a massive staff, and an even more massive cast of individuals who act as informants, agent provocateurs and the like. The total number is about two million people.
- PK says that all terrorist groups in Algeria are either creatures of, or are infiltrated by, the DRS. • PK says that one function of those groups had historically been to create incidents, which the DRS could use to its advantage, for example, by showing how proficient it was in putting down insurgency.
- PK has been warning for some time that that function sooner or later required a big incident to be staged.
- PK says that Bouchneb (known to the hostages as Taher) was a DRS agent of long standing, who had previously carried out atrocities on its behalf and who ran a training camp for it, and that he was still acting in that capacity very shortly before the attack.
- PK says that Taher was too valuable to have killed, and the purpose of the attack was to take hostages, which could then be rescued in a blaze of publicity.

- PK says that Belmokhtar was a supplier of contraband and was not a terrorist or in a position of authority over Taher. Rather he was no more than the quartermaster. He did not control the attack and may even have been dead at the time.
- PK says that the attackers may have used smugglers' routes. Those routes were relentlessly controlled by the DRS. All smuggling involved payment to the DRS and it is impossible for the attackers to have got to the site without DRS collusion.
- PK says that the BAAT drivers were imposed on that company by the AQIM leader, [Abou] Zaïd, so there was thorough infiltration by terrorists.
- PK says that the attack went wrong because of the confrontation with the gendarmerie escorting the bus. Either General Abderrazaq ordered retaliation by helicopters because eight of his soldiers were killed in that confrontation or General Tartag took a brutal decision to bombard the attackers and hostages by helicopter. Professor Keenan said he believed that the terrorists had not planned for such a confrontation.
- PK says that the authorities killed all the terrorists so as to prevent them from disclosing DRS involvement.
- PK says that a news blackout was imposed by the Algerians, which permitted them to publish disinformation about the attack.

4. It is not altogether easy to disentangle these parts of Professor's reasoning which are informed by first-hand knowledge from those which are second-hand reporting. That is not a criticism. Rather, it is inherent in academic analysis, but it presents difficulties when assessing what information is reliable and what is not. It is clear that the assessment of the rivalries between parts of the Algerian State is informed and direct knowledge. The assessment that the DRS had informants and may have infiltrated terrorist groups also seems to be from first-hand knowledge. Everything else appears to be reliant on what others have said, and to be difficult to attribute to any particular individual. The one exception is that the Professor has mentioned an individual whom, he says, can give evidence about Taher [Bouchneb] and Belmokhtar's roles. That individual, whom I shall call "A", is believed by the Professor to have been in a training camp run by Taher [Bouchneb] shortly before the attack, and accordingly to be able to give evidence of Taher's [Bouchneb's] and Belmokhtar's relationship with the camp.

5. Inquiries have been made about "A", without revealing the Inquest's potential interest in him. Those inquiries reveal that he has been out of Algeria for some years and has been convicted of a number of offences of dishonesty. He has received sentences of imprisonment. He has used a number of aliases and given a false date of birth. In all the circumstances, I do not see how "A" could be advanced as a witness of events in Algeria shortly before the attack, and regrettably do not see how he could be advanced as a reliable witness at all.

6. The Professor is more than willing to give evidence about his belief. Although he is plainly a very experienced observer of the Algerian situation and possesses a vast knowledge of the workings of the Algerian State, I do not believe that he has any material evidence to give which it [stet] adds to what is already known. The fact that the attackers were assisted by insiders is already in evidence. It's clear that Taher [Bouchneb] was involved in the attack and was killed. I cannot see how general information about the DRS control of affiliation and its control over the smuggling routes could assist in the fact-finding exercise as to what actually happened in respect of the particular events at In Amenas.

7. Professor Keenan's dealings with BP pre-date the attack by several years. They were inconclusive. The BP employees with whom he dealt are no longer with the company. While the dealings may show that those men had an interest in dealing with Belmokhtar, that will not assist when the Professor will also say that Belmokhtar was not a terrorist. That leads onto the wider point made by the Professor in interview, that BP did not concern itself with security because it believed that the Algerian authorities had control over local terrorists and bandits. That is an allegation made against BP and which will either be made good or refuted by BP and by the expert evidence about the security arrangements. It is not direct evidence and so I do not see how it could be responsibly adduced from Professor Keenan.

Ashley Underwood QC

20th October 2014

APPENDIX IV

Corrections and Clarifications to Ashley Underwood's Note of 20.10.2014

The note made by Ashley Underwood summarises a discussion of over two hours. Much has therefore been condensed. However, in doing so, a few points are erroneous and need to be corrected not only because they impugn my professional standing and reputation, but also because they are misleading to the Court. I therefore insist that this Correction be submitted to the Court and to those "interested parties" who were recipients of Mr Underwood's initial note.

The points that need to be corrected or explained are:

re. Point 2 line 6

In addition to undertaking "due diligence" on several projects in Algeria as a whole, I also provide consultancy on the politics and security of the country in the form of regular weekly and monthly reports to oil, gas and mining corporations operating in North Africa. These run to some 40,000 words a month.

Re. Point 3, bullet 6 re Bouchneb

I did not say that Bouchneb "ran a training camp for it [the DRS]" or that "he was still acting in that capacity very shortly before the attack".

I made it very clear that the [terrorist] training camp was run by the DRS, and that Bouchneb, as the local DRS "agent", was a regular visitor to it.

The camp displaced in or around 2009 to the Tigharghar Mountains of northern Mali. I do not know for certain if Bouchneb visited it there. What I said was that he continued to work as a DRS agent in SE Algeria (and adjoining regions, such as SW Libya and N. Niger) until shortly before the In Amenas attack.

Re. Point 3, bullet 8 re Belmokhtar (Mokhtar ben Mokhtar - MBM)

I did not say that MBM was "not a terrorist". I spent some time in explaining that he could not be considered as a "terrorist" or "jihadist" in quite the same ways as the others. His position, which has changed over the nearly 20 years that I have known and followed his career, is much more nuanced. The other points relating to him are more or less as I explained them.

Re. Point 3, bullet 9 re "smugglers' routes".

This point has been dangerously oversimplified. They are known to the DRS but not “relentlessly controlled” by them. Also, I made the point that they were “dynamic” i.e. always changing to avoid army and other security force patrols, etc., but were still well known to the DRS because of the DRS’ infiltration of and/or relationships with these groups.

Re. Point 3, bullet 10 re BAAT drivers.

The point made was that the BAAT was imposed on the JV, presumably by Sonatrach and the “authorities - i.e. the DRS”. Its “owner”, Mohamed Ghadir, was the brother of Abdelhamid Abou Zaïd, the head of AQIM in that region and a DRS agent. Abou Zaïd was responsible to the DRS for much of the running of the terrorist training camp mentioned above. The result of this was that the In Amenas plant was well infiltrated, but by people who were as much accountable to Ghadir as to his brother and the DRS.

Re. Point 4

As mentioned above, the training camp was not run by Taher (Bouchneb), but by the DRS. Witness “A” is able to give eye-witness evidence of meetings at the camp between Taher/Bouchneb and senior DRS commanders (Generals).

Re. Point 5

“A” has:

1) “been out of Algeria for some years”.

Yes, but being out of a country does not necessarily lessen one’s knowledge of it. To be precise, he arrived in Sicily in October 2008 and the UK in December 2009.

2) “used a number of aliases.”

To be precise, he has used one alias, namely Ali Arafat. That name was given to him by the smugglers he was with for his own safety. When he arrived in the UK, he clarified to the police, the Home Office and HMPS why he was known as Ali Arafat (an alias) and that it was not his proper name. The police, for reasons best known to themselves, have continued to call him by the alias, even though it has been explained to them that it is not his correct name.

His alleged second alias, Ali Ahmed, was invented by the Home Office for reasons best known to themselves.

The Court should be made aware that the use of aliases is common practice in Algeria. All Algeria's top Generals have such aliases, as do many of the country's senior government officials with whom HMG has dealings, but without any problem arising from their uses of aliases. For example, General Tartag, who was invited to the UK by the Home Office in 2012, has at least two aliases. It did not stop the Home Office have confidential meetings with him on highly sensitive matters.

3) "given a false date of birth"

"A" does not know his date of birth. That has never been in doubt. A very high percentage of Moslem people, especially in rural areas, do not know their ages and dates of birth. I have worked professionally on this issue for many years and given evidence as an "expert" court witness on the subject. If my memory serves me correctly, 17 percent of Tuareg in the town where he believes he was born are without any sort of documentation. That figure is/was almost certainly higher in some North African "rural" areas.

When asked by the UK police, "A" gave the first date that came into his head. Forcing people to give their dates of birth when they do not know them is an example of Home Office mendacity. A UK asylum lawyer eventually asked "A" to get a Birth certificate. As he was raised (but not born) in Tunisia, he contacted his adopted brother (with whom he was raised). The "brother" got "A" an authentic birth certificate from the area where he was raised. However, it is almost certainly incorrect, as his date of birth could only have been estimated by the "brother". Moreover, "A" claims to have been born in Libya, where his mother died.

Such inaccuracies are of potential embarrassment to the UK's security services, who, I understand, have been tracking "A" for some four years.

Re. point 7

I was given much more information by BP's head of security (for Algeria) than implied in this note. Indeed, the relationship between myself and BP at that time would be better described as a triangulation between BP, the DRS and myself. It is through that relationship that I was able to conclude that BP was made aware of the relationship between the DRS and MBM. However, that would seem to be an issue for BP rather than the Inquest Court

Professor Jeremy H. Keenan

14 November 2014

APPENDIX V

Translation of the original El Khabar article of 12 Nov 2012

(A literal translation from the Arabic, “slide” refers to the columns, and page to the page number in the newspaper)

[First slide:]

Al-Khabar [the Report] “Veracity and Credibility”

Tuesday, 13 November 2012 AD, corresponding to 28 Dhu l-Hijja 1433

Cell prepared explosion at oil installations to force authorities to negotiate

Security dismantles the backbone of terrorist organisation that planned secession of the South

Plan hatched in Mali desert. Execution launched in Wargla

[Ouargla] quarter. Discovery of 12 quintals [647 kg] of explosive substances and ammunition. Page 5

[Second slide:]

The Homeland [i.e. “Domestic News”, then headlines above, including date, repeated]

The security services specialising in counter-terrorism have lodged a thick dossier with the judiciary, which concerns a cell composed of 12 people falling under heavy suspicion of having set up a connection with the Al Qaeda organisation, with the aim of executing a plan to attempt the secession of the South from the other regions of Algeria. The organisation that led this attempt is called “The Desert Movement for the sake of Islamic Justice”.

Algiers: Hamid Yasin

A source apprised of the dossier’s details for “Al-Khabar” has related that [the operation] uncovering “The Desert Movement’s” activities was concluded last autumn in the Wargla [ed. Ouargla] region, from where seven of the 12 accused hail, several of them living in one quarter of the city of Wargla. The same source explained that the organisation calling for secession built its plan on the thinking of the “Movement of the Sons of the Desert”, which appeared years ago, launched the idea of secession, and then vanished in 2007, after the security services were able to win elements within it over to a truce. It ended with the arrest of seven, and others’ acceptance of peace.

Among the most important aspects of what is known of the organisation's activities is the occurrence of the attack on Djanet Airport in 8 November 2007, [which] resulted in damage to a military transport aircraft of Alyushin type. This [2nd column] Movement returned anew, according to the source, but with connections to "Al Qaeda in the Land of the Islamic Maghreb" [AQMI]. The source that its leader is an Algerian of the desert code-named "Al-Tahir Abu A'isha" [Tahar Bou Aicha], whose real name is Al-Amin Bin Shanab [Lamine Benchneb/Bencheneb /Bouchneb], who is described as being one of the supporters of the Al Qaeda organisation in the desert region.

To Benchneb is attributed, according to the file in judicial process, that he prepared bombings of gas pipelines, oil installations and foreign companies operating in the field [i.e. in oil & gas]. The aim was to force the authorities to negotiate with him on the demand for the secession of the desert from the country's other regions. To carry out this plan, "Abu Aicha" turned to smugglers and his relatives. He charged them with recruiting people convinced of the idea of secession, and with preparing for cooperation with "Al Qaeda", in entering into confrontation with the authorities. However, the attempt failed at the outset because of the arrest of one of the [3rd column] network's individuals operating in the city of Wargla, called Abd al-Karim [Abdelk(e)rim], 25-years old. From this arrest, it was established that the preparation of the plan for bombings was launched from the Ruwaysat [Roueisat/Ruwaisat] quarter in Wargla. He said while under interrogation by the security services that he had established connections with those dealing in arms, with regard to carrying out the plan.

The source said that the cell, which had adopted secessionist thinking with the help of armed jihadists, increased rapidly. Some of its individuals moved to Tigharghar in the Malian desert, where the organising head of the plan, "Abu Aicha", is based. They met him, and he explained to them the objective of "The Desert Movement for Islamic Justice", namely "Making the Algerian authorities that practise discrimination between the country's North and South hear our voice". The group's leader issued orders to his cadres to take pictures of specified oil installations in Hassi Messaoud in preparation for striking them. Thanks to the discove-

ry of phone numbers of people with whom Abdelkrim was in contact [4th column] with regards to execution of the plan, the security services dismantled the cell. Thanks to information provided by its members, the security services detained more than 12 quintals [647 kg] of Ammonium Nitrate, a substance used in the manufacture of explosives, an ignition fuse 100 metres long, three hand grenades, three Kalashnikov parts, 39 ammunition stores and weapons. Military materiel was discovered in a place about 110 km from the centre of Wargla, close to the National Highway.

It is worth pointing out that the name of Mokhtar Belmokhtar crops up on the basis that he is the party in “Al Qaeda” who was covering the activity of the secessionist movement with the objective of supporting it. As for those arrested, their interrogation took place at the Chéraga courthouse in the capital, where they were accused of terrorism. The dossier was sent up to prosecutor’s office that issued, on 7 November, a decision to transfer it to the criminal court.

NOTE:

The French and Arabic version of the article have been removed from the *El Khabar* website. A summary of the *El Khabar* article, run by *Algerie1.com* and reproduced below can still be found at:

<http://www.algerie1.com/actualite/algerie-un-mouvement-terroriste-separatiste-du-sud-demantele/>

Algérie : Un mouvement terroriste séparatiste du Sud démantelé

Algérie : Un mouvement terroriste séparatiste du Sud démantelé

Par Abbès Zineb | 13/11/2012 | 16:31

Une cellule terroriste composée de 12 individus a été démantelée ces derniers jours dans le Sud de l'Algérie. Les premières arrestations parmi les membres de ce réseau terroriste ont été effectuées en automne 2011 à Ouargla d'où sont originaires 7 d'entre eux.

Selon le quotidien *El-Khabar* qui révèle ce mardi cette information, le réseau en question projetait de commettre des attentats contre les installations pétrolières dans le Sahara avant de sommer les autorités algériennes à des négociations pour l'indépendance du Sud.

Le groupe se dénomme « le mouvement du Sahara pour la justice islamique ». Ses membres se seraient inspirées des idées du groupe islamistes « les enfants du Sahara » démantelé en 2007 selon des sources sécurité citées par le même journal.

Un certain Bencheneb Amine alias « Abou Aïcha » est présenté comme le chef de ce groupe islamistes séparatiste. Les services de sécurité ont mis la main sur

une quantité de 12 quintaux d'explosifs et un arsenal d'armes de guerre.

Les membres de ce mouvement auraient sollicité de l'aide auprès des narcotrafiquants et des membres de l'AQMI pour mener leur plan. Le nom de Mohktar Belmokhtar a été avancé dans le dossier comme celui chargé de prendre contact avec ce mouvement et l'organisation de Droukdel.

APPENDIX VI

El Watan's alternative account, written two years later, on 20.01.15

L'Enquête se poursuit deux ans après les faits

Comment les terroristes ont préparé l'attaque de Tiguentourine

El Watan, le 20.01.15

Dans la matinée du mercredi 16 janvier 2013, une colonne de quatre véhicules tout-terrain, transportant une trentaine de terroristes puissamment armés, traverse la frontière algéro-libyenne, s'empare du complexe gazier de Tiguentourine, situé à 40 km d'In Amenas, et prend en otages les 800 travailleurs, dont 130 Occidentaux, qui s'y trouvent.

Mise au pied du mur, l'Algérie subit d'énormes pressions pour empêcher toute intervention militaire de ses troupes et privilégier l'ouverture des négociations avec le groupe El Moulathamoune (les enturbannés) que dirige Mokhtar Belmokhtar. Quarante-huit heures plus tard, les forces spéciales de l'ANP donnent l'assaut qui se solde par l'élimination de 27 membres du commando, l'arrestation de trois autres et la mort de 37 otages. L'attaque provoque une véritable onde de choc et suscite de nombreuses questions, notamment sur l'origine des moyens militaires utilisés par les terroristes, que certains imputent non pas à un groupe terroriste, mais plutôt à des Etats.

Deux ans après, l'enquête n'est toujours pas clôturée. Mais au-delà des enjeux géopolitiques que cache cette opération terroriste, en attendant le retour des commissions rogatoires délivrées à l'Egypte, les premiers éléments fournis par les trois individus arrêtés lors de l'assaut – et un quatrième il y a quelques semaines – permettent aujourd'hui de comprendre, plus ou moins, ce qui s'est passé.

Sanctuaire libyen et malien

Ainsi selon des sources sécuritaires, l'opération a été organisée et exécutée par le groupe El Moulathamoune dirigé par Mokhtar Belmokhtar. Sa préparation a duré près de cinq mois et a été bien étudiée et mûrie avant d'être exécutée. Elle a fait l'objet de discussions avec de nombreux chefs terroristes activant aussi bien au nord du Mali qu'en Libye.

Parmi eux, le Nigérien Abderrahmane Ettoudji, Mohamed Salah Othmane, membre d'Ançar Charia (libyen), Tahar Bencheneb (du mouvement armé algérien des enfants du Sud, dont les membres se sont pour la majorité rendus aux services de sécurité), l'Égyptien Abou Bakr Al Masri ou Abou Loubaba.

Belmokhtar est aussi en bons termes avec les dirigeants d'Ançar Charia. Lors de la préparation de l'opération de Tiguentourine, à son retour du nord du Mali, il est hébergé avec ses deux adjoints au domicile de Mohamed Salah Othmane (un des responsables du groupe) à El Hadhaba, dans la banlieue de Tripoli.

Il y séjourne plusieurs semaines durant lesquelles il se procure l'armement nécessaire auprès d'un Libyen connu sous le pseudonyme de «Aouf», mort quelques jours avant le 16 janvier 2013 avec un autre Libyen, dans un accident. Et c'est durant ce séjour que Belmokhtar rencontre Abdelhakim Belhadj, membre du Conseil militaire libyen, qu'il connaît de longue date, et auquel il fait part de son projet.

L'universitaire devenu adjoint de Belmokhtar

Arrêté lors de l'attaque, Derouiche Abdelkader faisait partie du commando. Il a été choisi pour son profil de «combattant», mais aussi pour ses connaissances en langue anglaise. Un universitaire oranais de 33 ans, connu sous le pseudonyme d'Abou Al Barra, révèle les détails de cette

attaque.

En 2010, il abandonne son commerce à Bordj Badji Mokhtar pour rejoindre Belmokhtar, dans les monts de Tigharghar, au nord du Mali. Après des mois d'entraînement militaire, Belmokhtar l'envoie à Oran pour constituer une cellule chargée d'enlever des employés étrangers travaillant pour une société de transport.

Avec son frère Lahcène, le groupe est vite créé, il est composé de sept éléments, mais n'a pas fait long feu. Les services de sécurité le démantèlent et arrêtent ses membres, y compris Lahcène, mais Abdelkader échappe au coup de filet et retourne au nord du Mali. En tant que «cadre» du groupe de Belmokhtar, Abdelkader assiste à la plupart des réunions qu'organise son émir. L'idée d'attaquer une usine de gaz n'est pas venue fortuitement. Elle a été soufflée à l'oreille de Belmokhtar, alors qu'il se trouvait en Libye, par un de ses proches éléments, un certain Bouamama.

Ce dernier était en contact permanent avec un chauffeur d'un complexe gazier, qui lui fournissait toutes les informations sur la base de vie et les travailleurs étrangers qui y exerçaient. Durant trois mois, Belmokhtar, avec des terroristes de diverses nationalités, notamment tunisienne et égyptienne, étudient l'opération dont l'objectif principal est d'enlever les travailleurs européens et d'en faire une monnaie d'échange.

Pour mûrir cette idée, Belmokhtar se rend au nord du Mali. La situation n'est plus ce qu'elle était depuis son départ en Libye. Tigharghar, Gao et Tombouctou sont contrôlées par le Mouvement pour l'unicité et le djihad en Afrique de l'Ouest (Mujao). Ce mouvement terroriste est connu par les plus avertis comme une création des «services» marocains ; ses actions sont dirigées uniquement contre l'Algérie. Belmokhtar s'entend très bien avec les chefs du Mujao ; il leur fait état de son projet et l'idée les emballa.

Ils proposent de l'aider en lui fournissant les armes et les hommes.

Emballé par l'idée de l'attaque, le Mujao apporte aide et assistance

Une sélection de 15 éléments des plus aguerris lui est affectée avant qu'il ne retourne en Libye pour terminer l'organisation de l'attaque. Dans son campement non loin de Tripoli, Belmokhtar ne va pas tarder à clôturer la liste du commando. Le Nigérien, Abderrahmane Toudji, et l'Egyptien Abou Loubaba dit aussi Abou Bakr Al Misri, quelques-uns de ses proches collaborateurs, lui proposent une liste de 45 membres de différentes nationalités, dont des Egyptiens, des Tunisiens, des Libyens appartenant au groupe Ançar Chariâ, et deux Canadiens, bien entraînés et prêts à l'action. Il n'en retient que 14 pour compléter le groupe, constitué désormais de 30 éléments (9 Tunisiens, 8 Egyptiens, 5 Algériens, 2 Canadiens, 2 Nigériens, 2 Libyens, 1 Malien et 1 Mauritanien), bien armés, auxquels s'est joint le guide, un certain Zeidf, fils du terroriste Bouamama.

Le commandement de l'opération est confié à Abderrahmane Toudji, Abdellah Al Canadi (le Canadien), Abdelkader Ettounsi (Tunisien), et Tahar Bencheneb (Algérien), tous tués lors de l'assaut. A bord de 4 véhicules de type 4x4, le commando prend la route de Tiguentourine, le 14 janvier 2013, pour arriver au complexe gazier à l'aube du 16 janvier. Au cours du voyage de trois jours, le contact avec Belmokhtar n'a pas cessé grâce aux téléphones satellitaires dont disposent de nombreux membres du groupe.

Cette version des faits est confirmée par Kerroumi Bouziane dit Redouane, arrêté lors de l'opération, alors âgé à peine de 22 ans. Natif d'Adrar, il a rallié Belmokhtar sur insistance d'un de ses amis, un certain Moussa, avant de se retrouver dans les camps d'entraînement, dans la région de Gao puis en Libye. Il avait été désigné pour faire partie du commando alors qu'il était au nord du Mali, sans pour autant être au courant de la cible ni de la date de l'exécution de l'opération.

Le troisième terroriste arrêté est un ressortissant tunisien, âgé de 32 ans, du nom de Laaroussi Edarbali. Natif de Seliana (Tunisie) il a séjourné plusieurs fois en Libye avant de tenter de rejoindre ses compatriotes en Syrie, enrôlés dans les rangs des djihadistes. Les réseaux devant concrétiser son projet l'ont abandonné en cours de route. Il décide alors de retourner en Libye et de rejoindre le groupe de Belmokhtar. Dans le camp, il s'entraîne durant deux mois à la guérilla avec un certain Abou Bakr Al Masri, un Egyptien, avant d'être désigné pour faire partie du commando.

Ce sont là les premiers éléments de l'enquête sur l'attaque de Tiguentourine, qui pourrait connaître des rebondissements avec les réponses des commissions rogatoires délivrées par la justice algérienne à l'Egypte, la Tunisie, la Mauritanie, le Mali, la Libye et le Niger. Deux ans après, seule la Tunisie a répondu à quelques questions, alors que l'Algérie a déjà répondu aux commissions rogatoires délivrées par le Japon, la Grande-Bretagne et la France.

La fermeté de l'ANP a fait échouer les trois plans de Belmokhtar

Lorsque Belmokhtar a organisé l'opération, il était, selon nos sources, convaincu que celle-ci allait être un remake, si ce n'est plus, de la prise en otages de 32 touristes étrangers dans le sud du pays, menée par Abderrazak Al Para – son frère ennemi – il y a plus de 10 ans.

La plus importante des consignes était d'aller «ramasser» tous les étrangers occidentaux, en insistant sur les Français et les Britanniques.

C'est du moins ce qui ressort de l'enquête sécuritaire. Il était bien informé des nationalités présentes, de leur localisation dans la base de vie et du système de sécurité.

Au début de l'attaque, les terroristes ne s'intéressaient pas aux autres nationalités et avaient avec eux un élément maîtrisant l'anglais, Derouiche Abdelkader, arrêté lors de l'assaut les armes à la main.

Mais lorsque le groupe s'est rendu compte qu'il ne pouvait plus quitter les lieux en raison du déploiement rapide des forces de l'ANP autour de la base de vie, il est passé au plan B: compter sur le temps pour assurer une large médiatisation, faire pression ainsi sur les forces de sécurité afin qu'elles n'interviennent pas et les obliger à entamer des négociations pour monnayer la libération des otages.

Un plan vite abandonné lorsque les unités de l'ANP ont détruit le premier véhicule qui a tenté de forcer le cordon de sécurité avec quelques otages. Les terroristes se retrouvent face à l'intransigeance de l'ANP. Ils passent alors au plan C: utiliser les captifs comme bombes humaines pour faire exploser le site gazier. Le temps n'est plus en faveur des forces de sécurité; il faut agir rapidement.

Les unités spéciales de l'ANP donnent l'assaut le troisième jour de la prise d'otages. Retranchés dans l'usine avec une vingtaine d'otages, les membres du commando sont éliminés et le site totalement récupéré. L'Algérie vient de subir son «11 septembre».

Sa politique sécuritaire a totalement changé, notamment en matière de protection des frontières; depuis cette date, le dispositif de protection des sites sensibles a été revu.

Encadre
Salima Tlemçani

APPENDIX VII

The Public Interest Immunity (“PII”) Certificate

Open Ruling on the PII

HM Assistant Coroner His Honour Judge Nicholas Hilliard QC

IN THE MATTER OF THE INQUESTS INTO THE DEATHS OF

GARRY BARLOW

CARSON BILSLAND

STEPHEN GREEN

SEBASTIAN JOHN

PAUL MORGAN

CARLOS ESTRADA VALENCIA

KENNETH WHITESIDE

OPEN RULING

1. I am conducting inquests into the deaths of seven men who were killed in Algeria and whose bodies were repatriated to the United Kingdom. In the course of the inquests, the Secretary of State for Foreign and Commonwealth Affairs has signed a Public Interest Immunity (“PII”) certificate dated 15th December 2014 and this is my open ruling on

whether that certificate should be upheld. I have delivered a closed ruling which is in similar form to this, but which contains a good deal of information which I necessarily cannot make public.

The background

2. On 16th January 2013, a gas production site located near to In Amenas in southern Algeria was attacked by a group of about 30 men, armed with weapons and explosives. They engaged in a fire fight when entering the facility and then took hostages. The attack became a siege lasting some days, in the course of which many innocent people lost their lives. BP was one of the companies operating a joint venture at the In Amenas site. The seven men whose deaths I am investigating were working at the site at the time.

3. One of the issues into which I have to inquire could loosely be called “preventability”, and it focuses on whether any information was known in advance which may have averted the attack.

4. Prior to my appointment, Her Majesty’s Government (“HMG”) wrote to my predecessor alerting her to the existence of sensitive materials which were potentially relevant. In due course, I was appointed to consider those, and I then asked for targeted searches to be conducted by HMG to ascertain whether further potentially relevant materials existed.

5. Those searches resulted in further materials becoming available to me. With the assistance of security-cleared Counsel, Ashley Underwood QC,

all the materials were assessed for relevance. During the course of the exercise, I began to conduct the inquests.

6. The result of the exercise was that it became abundantly plain that HMG had no advance knowledge of the attack.

7. However, I had a specific concern about some information which was received by the British government before the attack. That information was not dealt with speedily, and there was no good reason for the delay. I was concerned about whether, had it been dealt with quickly, it may have been capable of leading to some effective warning being given to BP.

8. A “form of words” has been given openly by HMG through its Counsel, David Barr QC. It reads: “As is made clear by the gist, HMG did receive some information late in 2012, which it was later established was some months old, but there was a delay in processing that information. The question arises as to whether this delay made a difference. HMG has considered this issue and concluded that it cannot be sure about what might have happened. However, but for the delay there is a possibility that some of the information would have been given to BP before the attack”. The reference to a gist is to the document annexed to this ruling which will also be made public in the course of the inquest.

The PII certificate

9. This is in familiar form. The open part recites the legal test, notes that

the legal advice is to the effect that the material documents are indeed relevant, asserts that disclosure would bring about real risk of harm to an important public interest, adverts to carrying out a balancing exercise, and concludes that the public interest in non – disclosure outweighs the public interest in disclosure. The certificate goes on to refer to the gist and to dismiss the possibility of a “confidentiality ring”.

10. The Sensitive Schedule is a substantial document. No summary will do it full justice, and I cannot usefully say any more about its contents here.

Submissions

11. I held an oral hearing on 18th December 2014. Counsel for Interested Persons raised points of general principle, and I was also urged to deal with some detailed issues arising out of the gist.

12. So far as principle is concerned, I was referred to the judgment of the Divisional Court in relation to the Litvinenko inquest, reported as Secretary of State for Foreign and Commonwealth Affairs v Assistant Deputy Coroner for Inner London [2013] EWHC 3724 (Admin). My attention was drawn in particular to Goldring LJ’s conclusions on the balancing exercise. I was urged to bring close scrutiny to bear on the PII certificate, particularly given the inability of Interested Persons to know what was being considered.

13. Mr Underwood acknowledged that the certificate demonstrated the

correct approach to the law, and no issue was taken with that.

14. The detailed issues included asking me to pay close attention to the process of investigating the information, to whether the date of receipt of the information could be revealed, to whether any other country assessed the information as reliable and if so, whether that could be revealed, and to whether the reason for the delay in assessing the information could be disclosed.

15. I then heard submissions in closed session from Mr Underwood and Mr Barr. During the course of that hearing, HMG accepted the need for revisions to the gist, so that it took the form annexed to this ruling. Material changes included the addition of a reference to the possibility that the information related to BP employees. Thus the issue became whether, in the light of the disclosure comprised in that gist and in the form of words given by Mr Barr, the public interest in the non - disclosure outweighed the interests of the administration of justice represented by further disclosure.

16. I reflected on the issue and convened a further closed hearing on 19th December 2014.

The law

17. The applicable principles are well settled, and I can set them out shortly.

- A PII issue only arises if the material to which it relates has some relevance and if there is evidence of a real risk of damage to the public interest.
- If those conditions are satisfied, a balancing exercise must be conducted in which the Court is the final arbiter.
- The balance is between the damage to the public interest which would be caused by disclosure and the damage to the administration of justice caused by upholding the certificate.
- The Secretary of State knows more about the damage to national security and international relations which is likely to be caused by disclosure than I do, and unless there are cogent reasons for rejecting his view, I should accept his evidence on that issue.
- Conversely, I am in a better position to know about the proper administration of justice than the Secretary of State.
- I accept that in an inquest as important as this, I must scrutinise the certificate anxiously and bear in mind the fundamental importance of public justice.
- I must explain how I arrive at my decision.

Analysis

18. It is common ground that the materials which are the subject of the PII certificate have some relevance. Further, I accept the Secretary of State's evidence that disclosure of the materials would create a real risk of very serious harm. I have given reasons for that in my closed judgment which I cannot elaborate on here. I have fully considered whether any satisfactory confidentiality ring could be established, but having regard to the number of Interested Persons and the sensitivity of the information, I do not believe that is viable. I am also satisfied that no more can usefully be said in the gist without creating the dangers identified by the Secretary of State.

19. Against that, the interests of justice point strongly to the admission of any evidence at this inquest which may show that the deaths were avoidable. This is an important inquest, and the issue whether any information could have prevented these deaths is highly significant. If I have material with which I can explore that issue, then it will need strong reasons to prevent that exploration. Further, I need to be alert to the possibility that relevant evidence could be produced without the wholesale revelation of every piece of information which would produce the harm identified by the Secretary of State.

20. As is so often the case, the sweeping imperatives I have described contain a more nuanced question of balancing precisely what value the evidence could have against precisely what harm it could do. I bear in mind a number of factors which I recite fully in the closed ruling but which I cannot set out here.

21. In sum, the disclosure of evidence about the information would put me in a position publicly to ask questions about whether it would have led to an effective warning to BP. What I must consider is whether such disclosure would put me in a position to answer them beyond saying only that some information might have been passed to BP. And that of course is what Mr Barr's form of words achieves, read in the light of the final version of the gist. I have concluded that there is only a slim chance of an answer going beyond the form of words because there are a number of uncertain factors which can only be a matter of speculation. In addition, BP was already well aware of the general danger of kidnap.

22. So I must weigh the value of that slim chance, together with the general principle of open justice, against the dangers identified in the certificate. I have been mindful of this particular issue for some months. I am now very familiar with all the issues and also the evidence which has been given, which includes evidence about the risks already known to BP and the joint venture prior to the attack. In all the circumstances, having thought long and hard about the question, I conclude that the interest in favour of non - disclosure clearly outweighs the interest in favour of further disclosure. I therefore uphold the certificate.

23. Finally, I should add in response to a submission made by Mr Popat QC, that as matters stand, resolution of this issue in this way does not mean that I am unable to make findings based upon open material because of incompatibility with undisclosed PII material.

Nicholas Hilliard

January 4, 2015

The "Gist"

BEFORE THE ASSISTANT CORONER FOR WEST SUSSEX

SITTING AT THE ROYAL COURTS OF JUSTICE

AND IN THE MATTER OF INQUESTS TOUCHING UPON THE DEATHS OF

MR GARRY BARLOW

MR CARSON BILSAND

MR STEPHEN GREEN

MR SEBASTIAN JOHN

MR PAUL MORGAN

MR CARLOS ESTRADA VALENCIA

MR KENNETH WHITESIDE

HMG "Gist" – 22nd December 2014

Information known or held relating to the impending attack

1. HMG did not know of the impending attack, and is not aware of any other government or organisation knowing of it. It had been aware for more than a year of terrorist activity in Algeria, Libya and Mali which was assessed to pose a general threat to, amongst others, hydrocarbon installations and to foreign workers. That threat was assessed to include a risk of kidnapping. HMG was aware of the capability of Al Qaeda in the Islamic Maghreb ("AQIM") and its affiliates including Mokhtar Belmokhtar (MBM) to conduct attacks, suicide bombings and IED attacks, mostly targeted at local forces in the region, and was aware of the intent to target Western interests. However, historically kidnapping was the greatest threat posed by AQIM and its affiliates to Western interests in the North and West Africa region, and nothing in their known history was of the scale or nature of the attack on In Amenas (such as the number of casualties, the longevity of the attack, the number of fighters, heavier weapons used and the style of attack).

2. In the period leading up to the attack at In Amenas, no information assessed by Government departments contained sufficient detail to identify or prevent the specific attack. No subsequent analysis by Government department has undermined that assessment. In early December 2012 HMG received and read some information alleging that unidentified terrorists in southern Algeria were seeking information about British workers in Algeria with a view to kidnapping them. It was later established that the information was several months old when HMG received it. There was an unnecessary but unintentional delay in processing the information until after the attack had started. After the attack a third country rapidly assessed that the information was

unreliable and could be totally ignored. HMG concluded that while the information could have related to BP employees the reliability of the information was questionable and it lacked detail. Further retrospective assessment gave additional weight to the information being unreliable. HMG remain of the view that they were not aware of any information that could have identified or prevented the specific attack.

Guy Richardson

Treasury Solicitor's Department

22 December 2014

APPENDIX VIII

Two Articles from the Guardian (22.12.2014 and 08.01.2015) written by Owen Bowcott covering HMG's application for a PII.

"UK government in bid to withhold material from In Amenas inquest"

The Guardian (written by Owen Bowcott), Monday 22 December 2014

<http://www.theguardian.com/uk-news/2014/dec/22/uk-government-lawyers-withhold-material-in-amenas-inquest-algeria>

FCO issues PII certificate to keep back information from inquest into deaths of seven British hostages in jihadi attack on Algerian gas plant

The Foreign Office is attempting to withhold security information from an inquest into the deaths of seven British hostages in a jihadi attack last year.

Government lawyers have resorted to the rarely used legal device of a public interest immunity (PII) certificate, allowing them to apply to keep back from a court hearing material deemed too sensitive to be released in open court.

The manoeuvre was revealed at the long-running In Amenas inquest being held at the Royal Courts of Justice in London. Seven Britons died in January 2013 when an Algerian gas plant was targeted by al-Qaida-linked militants.

The In Amenas complex in the Sahara desert was operated jointly by BP, the Algerian state company Sonatrach and the Norwegian firm Statoil. The men – six UK passport holders and a UK resident – were among 40 hostages killed by insurgents during a four-day standoff.

The Britons who died were: Carson Bilsland and Kenneth Whiteside, both from Scotland; Sebastian John, from Norfolk; Stephen Green, from Hampshire; Paul Morgan and Garry Barlow, both from Liverpool, and Carlos Estrada, originally from Colombia but who lived in London.

The inquest began in mid-September and had been due to last six weeks, but legal arguments have delayed its progress. The coroner, Judge Nicholas Hilliard QC, reconvened the hearing on 18 December with a brief public hearing before going into closed session to discuss what categories of information could be covered by the PII certificate.

A statement on behalf of the coroner's court reads: "Following the issue of a public interest immunity (PII) certificate by the Secretary of State for Foreign and Commonwealth affairs, Philip Hammond MP, on 15th December 2014, a PII hearing commenced at the Royal Courts of Justice on 18th December. The inquest will resume sitting in public in the New Year and it is anticipated that further evidence will be heard on 7th January 2015."

Lawyers for the families have expressed concern in earlier hearings about the delays the PII has caused and the secrecy surrounding the process. In October, Neil Garnham, QC, who represents several of the victims' families, told the inquest: "If PII is being claimed then there will have to have been a certificate signed by a minister which asserts the immunity. In my submission, the families would be entitled to see that certificate."

"It may well be that there will be a confidential schedule to the certificate identifying the individual documents in respect of

which immunity is claimed and we might not be entitled to see that, depending on its contents.

“But there is no reason at all ... why the certificate itself should not be disclosed and the families ought to be entitled to make submissions as to the principles to be applied by the court in determining whether or not the certificate should be upheld or overturned.”

The families and their lawyers will not be allowed to see documents covered by a PII certificate, nor can the coroner take it into account in his final verdict. “This process,” Garnham added, “appears nothing less than mysterious to those I represent ... and the result is likely to be that either HMG material exists which is irrelevant and so need not be disclosed, or which is relevant but cannot be disclosed because of PII.”

A Foreign Office spokesperson said: “HMG have made an application for public interest immunity, which the coroner is considering.”

“UK government failed to tell BP about kidnap threat before In Amenas attack” *The Guardian* (written by Owen Bowcott), Thursday 8 January 2015

<http://www.theguardian.com/uk-news/2015/jan/08/uk-government-bp-kidnap-threat-in-amenas-terrorists-algeria>

Inquest reveals government knew in late 2012 that terrorists were seeking information on British workers in Algeria.

The government delayed telling BP about reports of terrorists seeking to kidnap foreigners shortly before seven British hostages were killed in a jihadi attack on an Algerian gas plant, an inquest has been told.

In an interim judgment, Judge Nicholas Hilliard QC has ruled that the Foreign Office can withhold sensitive, national security material relating to the January 2013 attack on the In Amenas site in the Sahara desert.

While not providing specific details, the decision by Hilliard, who is sitting as an assistant coroner, contains admissions on behalf of the government about its failure to hand over information in time. It also notes that BP was aware of the “general danger of kidnap”.

After sitting for several days in closed hearings, the judge said: “It became abundantly plain that HMG had no advance notice of the attack. However, I had a specific concern about some information which was received by the British government before the attack.

“That information was not dealt with speedily and there was no good reason for the delay. I was concerned about whether, had it been dealt with quickly, it may have been capable of leading to some effective warning being given to BP.”

A statement from lawyers for the government, contained in the judgment, acknowledged: “HMG did receive some information late in 2012, which it was later established was some months old, but there was a delay in processing that information.

“The question arises as to whether this delay made a difference. HMG has considered this issue and concluded that it cannot be sure about what might have happened. However, but for the delay there is a possibility that some of the information would have been given to BP before the attack.”

The government statement continued: “In early December 2012, HMG received and read some information alleging that unidentified terrorists in southern Algeria were seeking information about British workers in Algeria with a view to kidnapping them.

“It was later established that the information was several months old when HMG received it. There was an unnecessary but unintentional delay in processing the information until after the attack had started. After the attack, a third country rapidly assessed that the information was unreliable and could be totally ignored. HMG concluded that while the information could have related to BP employees the reliability of the information was questionable and it lacked detail. Further retrospective assessment gave additional weight to the information being unreliable. HMG remain of the view that

they were not aware of any information that could have identified or prevented the specific attack.”

Hilliard’s decision upholds the application by the foreign secretary, Philip Hammond, for a public interest immunity certificate and prevents the release of details deemed too sensitive to be heard in open court. A final verdict from the coroner, who is sitting without a jury, is expected later this month.

A government spokesperson said: “HMG did not know of the impending attack at In Amenas. No information assessed by government departments contained sufficient detail to identify or prevent the attack.”

The In Amenas complex was operated jointly by BP, the Algerian state company Sonatrach and the Norwegian firm Statoil. Six UK passport holders and a UK resident were among 40 hostages killed by insurgents during a four-day standoff.

They were Carson Bilsland and Kenneth Whiteside, both from Scotland; Sebastian John, from Norfolk; Stephen Green, from Hampshire; Paul Morgan and Garry Barlow, both from Liverpool; and Carlos Estrada Valencia, originally from Colombia but who lived in London.

The attack was launched on 16 January 2013 by Al Qaeda-affiliated gunmen under the control of the Algerian jihadi leader Mokhtar Belmokhtar. Altogether, 39 foreign workers, an Algerian security guard and 29 militants were killed in the operation that ended four days later when Algerian special forces retook the gas plant.

Clive Garner, head of international personal injury at law firm Irwin Mitchell, which is representing the Estrada Valencia family, said: “Everyone wants to understand precisely what happened on those fateful four days in January 2013 and during the period leading up to the attack at what was one of Algeria’s largest and most important gas plants.

“We have raised serious concerns about the adequacy of the security measures in place at the plant at the time of the attack and we hope that one of the outcomes of the inquests will be that the families who have been so deeply affected by the events at In Amenas will have a better understanding about exactly what happened.”

Claudia Gaviria, the widow of Estrada Valencia, said: “Not a day goes by that we don’t think of Carlos. We have waited so long for answers about what he endured over those few days in Algeria.

“It has been so hard to listen to the witnesses in court and to find out that there were so many concerns with the security at the site before the attack. We just want to know that this evidence is going to change things for the future and will stop anything similar from happening again.”

APPENDIX IX

Explanation for the conflict between Bouteflika and Mediène

Following the dismissal of General Mohamed ‘Toufik’ Mediène, head of the DRS, on 13 September 2015, there has been much debate in subsequent media commentaries as to whether his battle with President Bouteflika was a manifestation of the inherent institutional tension between these two poles of political power, the presidency and army versus the DRS, or a matter of personal animosity. The answer is both, but with the latter gaining ascendancy after late-2009.

Since Algeria’s independence in 1962, with the partial exception of the Boumediene era (1965–1978), there has almost always been tension between the presidency and the country’s intelligence service.

Algeria’s intelligence service was first established in 1957, during the war of liberation against France, as the Ministère de l’Armement et des Liaisons Générales (MALG). After independence the MALG was renamed the Sécurité Militaire (SM).

However, in 1987, President Benjedid Chadli thought that the SM had become too powerful. He therefore partially dismantled it, reorganising it into two organisations: the Délégation générale de la prévention et la sécurité (DGPS), under General Lakehal Ayat, and the Direction Centrale de la Sécurité de l’Armée (DCSA) under the former head of the SM, General Mohamed Betchine. At that time, Mediène was chairperson of a little known and seemingly short-lived body, the Department for Defence and Security, which

served to coordinate the security services. However, with Betchine's dismissal, following the events of October 1988 (when the Algerian army opened fire on demonstrators in Algiers, killing some 500), Mediène was appointed head of the DCSA.

Then, on 4 September 1990, Defence Minister Khaled Nezzar, former chief of staff and defence minister, appointed Mediène as Director of the newly created DRS, a post he held for 25 years and nine days.

In 1996, President Liamine Zeroual, who had been appointed chairman of the High Council of State in January 1994, before being elected president in November 1995, came to a similar conclusion as President Chadli almost a decade earlier, namely that the secret intelligence service, the DRS, and particularly General Mediène, had become too powerful. Zeroual therefore planned to replace him with General Saïdi Fodil. Mediène's response was swift: Fodil died in a 'road accident'.

A year later, Zeroual tried again, this time deciding to appoint Mohamed Betchine, Mediène's former boss, as minister of defence in order to get rid of Mediène. Mediène's retaliation was again swift and preemptory. He organised civilian massacres, disguised to look like 'terrorist' actions by the Armed Islamic Groups (GIA), on a massive scale – at Raïs, Bentalha, Beni-Messous and elsewhere – bringing horror and psychosis to the gates of Algiers, thus making the regime ever more dependent on his DRS. At the same time, he set the DRS machinery on to destroying both Betchine's businesses and his reputation, forcing him to resign – a broken man. Zeroual followed suite, paving the way for the army and Mediène in particular to endorse Bouteflika as President in 1999.

The conflict between Bouteflika and Mediène, which has dominated the Algerian political scene over the last six years, began in late 2009. It stemmed from what may have been little more than rumour and hearsay in the wake of Bouteflika's 2009 third presidential election victory. The rumour, if that is all it was, was that Bouteflika had designs on establishing a 'dynastic' succession that would see his younger brother Saïd Bouteflika take over the presidency. Again, the rumour, which apparently reached Mediène's ear, was that Saïd Bouteflika, whose relationship with Mediène was less than lukewarm, was planning to appoint Betchine, Mediène's former boss, as his security advisor and presumed replacement for Mediène.

Even if this was only 'loose talk' in the Bouteflika camp, it was 'a red rag to the bull' as far as Mediène was concerned, and therefore extremely foolish. Mediène hit back through late 2009 by turning his investigators on to the involvement of Bouteflika clan members in what might be termed 'second tier' corruption, involving mostly the construction contracts of the East-West highway. When the Bouteflika clan ignored these warning moves, Mediène upped the ante by directing his witch-hunt into exposing the massive levels of corruption at the heart of Sonatrach, the state oil company, which was headed at that time by President Bouteflika's close friend and political strongman, oil minister Chakib Khelil.

In January 2010, Mediène oversaw the arrest of Sonatrach's CEO, four of its five vice-presidents and a number of other senior executives. The scandal rocked the oil world. Mediène had effectively brought the regime to its knees.

Bouteflika's response, which was to take the Bouteflika-Mediène

relationship beyond the point of no return, was his decision in February 2010 to launch an “independent security commission” to investigate certain dossiers that had remained unresolved from earlier eras. In particular, the commission sought to ascertain the role played by the DRS in the assassinations of Mohamed Boudiaf, the first chairman of the HCE, and Saïdi Fodil.

The commission made public, through a deliberate leak to the media, the testimonies of two high-ranking witnesses, one a member of the DRS' special unit involved in the assassinations of both Boudiaf and Fodil and the other a high-ranking army officer who confirmed the existence of this secret DRS unit. Both witnesses confirmed that this unit, under the overall command of Mediène, had arranged Fodil's car accident.

If the commission had continued with its enquiry, it would have done the Algerian regime irretrievable damage. It would also have been extremely embarrassing for Algeria's western allies, notably the US, which had not only given the Algerian regime the green light for its “dirty war” of the 1990s against the Islamists, but had also hitched its intelligence cart and much of its post-2001 counter-terrorism strategy to Mediène's DRS.

The outcome of Bouteflika's enquiry was that nothing more was heard of it after two weeks. Washington had stepped in (in the same way as it did over the Tunisian SIM-cards in February 2014 and over General Hassan's arrest on 27 August 2015) and effectively ordered that it be stopped and erased from the record.

There are two aspects of the conflict between Bouteflika and Mediène that have so far received little attention.

One is that Bouteflika's decision to move against the DRS in September 2013 may have been influenced as much by the events at In Amenas in January 2013 as by the issuance, on Mediène's say-so, of an international arrest warrant against Chakib Khelil in August 2013.

The second is that Mediène's exposés of the Sonatrach and other corruption scandals will leave the Bouteflika era, and the Bouteflika family especially, as being remembered most for 'corruption' and the subsequent branding (by some analysts) of Algeria as a "mafia state".

APPENDIX X

Hillary Clinton FBI investigation update

1. The FBI opened an investigation into Hillary Clinton's emails in July 2015. One year later, on 5 July 2016, FBI Director James B. Comey said:

"From the group of 30,000 e-mails returned to the State Department, 110 e-mails in 52 e-mail chains have been determined by the owning agency to contain classified information at the time they were sent or received. Eight of those chains contained information that was Top Secret at the time they were sent; 36 chains contained Secret information at the time; and eight contained Confidential information, which is the lowest level of classification. Separate from those, about 2,000 additional e-mails were "up-classified" to make them Confidential; the information in those had not been classified at the time the e-mails were sent.

"While not the focus of our investigation, we also developed evidence that the security culture of the State Department in general, and with respect to use of unclassified e-mail systems in particular, was generally lacking in the kind of care for classified information found elsewhere in the government.

"Although we did not find clear evidence that Secretary Clinton or her colleagues intended to violate laws governing the handling of classified information, there is evidence that they were extremely careless in their handling of very sensitive, highly classified information.

"Although there is evidence of potential violations of the statutes regarding the handling of classified information, our judgment is that no reasonable prosecutor would bring such a case. As a result, although the Department of Justice makes final decisions on matters like this, we are expressing to Justice our view that no charges are appropriate in this case."

The FBI also found that at least three of the 30,000 emails that Ms Clinton had deleted also contained information that was classified.

In response to the FBI's statement, Donald Trump said the FBI's decision was fresh evidence of a "rigged system."

House Speaker Paul Ryan said Comey's announcement "defies explanation." He said: "No one should be above the law. But based upon the director's own statement, it appears damage is being done to the rule of law. Declining to prosecute Secretary Clinton for recklessly mishandling and transmitting national security information will set a terrible precedent."

President Obama, in endorsing Clinton's presidential candidacy, said: "There has never been any man or woman more qualified for this office than Hillary Clinton."

The Washington Post concluded: "Hillary Clinton may avoid criminal charges, but the searing rebuke of her "extremely careless" email practices by FBI Director James B. Comey is likely to reverberate through the November election and, if she wins, well into her presidency."

Note. The full FBI statement accessed at: <https://www.fbi.gov/news/pressrel/press-releases/statement-by-fbi-director-james-b.-comey-on-the-investigation-of-secretary-hillary-clintons-use-of-a-personal-e-mail-system>



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